

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1039

- Applicant** : Wah Tung Development Company Limited (華東發展投資公司)
- Site** : Lots 582 S.B (Part) and 582 S.C in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long, New Territories
- Site Area** : About 350m² (including GL of about 78m² (22.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Village Type Development” (“V”)
- Application** : Temporary Shop and Services (Car Beauty Services) for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (car beauty services) for a period of three years and associated filling of land at the application site (the Site) zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ other than those on the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Filling of land within the “V” zone also requires planning permission from the Board. The Site is currently occupied by the applied use without valid planning permission (**Plans A-2** and **A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a short local track (**Plan A-2**). According to the applicant, the applied use involves one shelter with a single-storey structure underneath for retail shop and ancillary office, another shelter for car beauty services, and one single-storey structure for toilet, all with a building height of 3.7m and a total floor area of about 78m² (**Drawing A-1**). The applicant also applies for regularisation of associated filling of land for the entire Site for about 0.1m in depth by concrete for site formation and circulation purposes (**Drawing A-2**). The proposed operation hours are between 9:00 a.m. and 6:00 p.m. daily including public holidays. Two parking spaces for private cars are provided within the Site for staff members and visitors. No dismantling, maintenance, paint

spraying or other workshop activities, and staff accommodation will be conducted within the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of 11 previous applications for various uses (details at paragraph 5 below). The last application (No. A/YL-PH/880) submitted by the same applicant for similar temporary shop and services (motor-vehicle showroom) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 11.6.2021 but the planning permission was subsequently revoked on 11.11.2023 due to non-compliance with approval condition on the implementation of fire service installations (FSIs) proposal.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form and Planning Statement received on 15.11.2024 (**Appendices I and Ia**)
 - (b) Further Information (FI) received on 6.1.2025* (**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, Planning Statement and FI at **Appendices I to Ib**, and can be summarised as follows:

- (a) The applied use on a temporary basis will not jeopardise the long-term planning intention of the “V” zone and is not incompatible with the surrounding land uses. There is a similar application for temporary shop and services within the same “V” zone along Fan Kam Road approved by the Committee. The Site is subject to previous planning approvals since 1998 and the applied use could utilise the land resource.
- (b) Sufficient maneuvering space is provided within the Site for vehicular circulation. With proper management and maintenance, the environmental hygiene of the Site will be well maintained. The applied use will not cause any adverse impact on drainage, traffic, environmental and fire safety aspects, and will not create significant nuisance to the surrounding areas. FSIs and drainage proposals with photo record of the implemented drainage facilities have been submitted in support of the current application. Local consultation has been conducted by the applicant and no objection has been received.
- (c) The applicant will comply with the approval conditions to be imposed and will apply for Short Term Waiver for the applied use at the Site should the current application be approved. The applicant will undertake to terminate the applied use when there is long-term development within the Site.

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

The applicant is not the “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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out at TPB PG-No. 31B are not applicable.

4. **Background**

The Site is not subject to any planning enforcement action.

5. **Previous Applications**

5.1 The Site is the subject of 11 previous planning applications in which two applications (No. A/YL-PH/850 and 880) are for similar shop and services use, while the remaining nine applications are for different temporary uses which considerations are not relevant to the current application. Details of these previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

5.2 Two applications (No. A/YL-PH/850 and 880) for similar shop and services were approved with conditions by the Committee on 20.11.2020 and 11.6.2021 respectively mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “V” zone; the applied use was not incompatible with the surrounding uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The permission under application No. A/YL-PH/880 was subsequently revoked on 11.11.2023 due to non-compliance with approval condition on the implementation of the FSIs proposal.

5.3 Compared with the last approved application No. A/YL-PH/880, the current application is submitted by the same applicant for similar shop and services use at the same site with changes in layout and development parameters, as well as regularisation of the associated filling of land for the entire Site.

6. **Similar Applications**

There are 14 similar applications covering 11 sites, for various shop and services uses within the “V” zone in the vicinity of the Site in the past five years. All of the applications were approved with conditions by the Committee between January 2020 and November 2024 mainly on similar considerations as stated in paragraph 5.2 above. Details of these similar applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Fan Kam Road via a short local track; and
- (b) currently occupied by the applied use without valid planning permission.

7.2 The surrounding areas are rural in character comprising predominantly village settlements of San Lung Wai and Wang Toi Shan Shan Tsuen intermixed with open storage/storage yards, car services/washing services, a vehicle park, an elderly home, a store and vacant land.

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 SHs 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

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 IV** and **V** respectively.

10. Public Comment Received During Statutory Publication Period

On 22.11.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received expressing concern that the previous approval was revoked due to non-compliance with approval condition in relation to fire safety (**Appendix VI**).

11. Planning Considerations and Assessments

11.1 The application is for temporary shop and services (car beauty services) for a period of three years and associated filling of land at the Site zoned “V” (**Plan A-1**). The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and

reprovisioning of village houses affected by Government projects, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. Selected commercial and community uses serving the need of the villagers and in support of the village development are always permitted on the ground floor of a NTEH, and other commercial, community and recreational uses may be permitted on application to the Board. Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the applicant stated that it can help meet any such demand from the locals. Although the District Lands Officer/Yuen Long of Lands Department advises that there is one SH application under processing at the Site, he has no adverse comment on the planning application. In this regard, the applicant will also be advised that the applied use should be terminated upon approval of SH application at the Site at any time during the planning approval period. The applied use of temporary nature would not adversely affect the land availability for NTEH/SH development within the “V” zone in the long term. It is considered that 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 Filling of land within the “V” zone requires planning permission from the Board. According to the applicant, the entire Site has already been filled. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively.
- 11.3 The applied use is considered not incompatible with the surrounding land uses which are rural in character comprising predominantly village settlements of San Lung Wai and Wang Toi Shan Shan Tsuen intermixed with open storage/storage yards, car services/washing services, a vehicle park, an elderly home, a store and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), have no objection to or adverse comment on the application from traffic and fire safety perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the potential environmental nuisance caused by the applied use on the surrounding areas.
- 11.5 The Site is the subject of two previously approved applications submitted by the current applicant for the similar shop and services uses at the same site and the planning permission of the last approved application (No. A/YL-PH/880) was subsequently revoked due to non-compliance with approval condition on the implementation of the FSIs proposal. In support of the current application, the applicant has submitted drainage proposal with photo record of the implemented drainage facilities and FSIs proposal. In this regard, CE/MN of DSD considers

the drainage proposal and the implemented drainage facilities are acceptable, while D of FS has no objection to or no adverse comment on the application. As such, sympathetic considerations may be given to the application. Should the application be approved, the applicant will be advised that sympathetic consideration may not be given to any further applications should it fail to comply with any of the approval conditions again resulting in revocation of planning permission.

- 11.6 Two previous applications for similar temporary shop and services use and 14 similar applications for various temporary shop and services uses in the vicinity of the Site in the past five years have been approved by the Committee as detailed in paragraphs 5 and 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.7 Regarding the public comment expressing concern 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 taking into account the public comment 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 10.1.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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 10.7.2025;
- (c) in relation to (b) 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 10.10.2025;
- (d) 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
- (e) if any of the above planning condition (b) or (c) 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 V**.

- 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 "V" zone which is to provide land primarily for development of Small Houses by indigenous villagers. 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

Appendices I and Ia	Application Form and Planning Statement received on 15.11.2024
Appendix Ib	FI received on 6.1.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos