

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

**APPLICATION NO. A/YL-SK/352**

<b><u>Applicant</u></b>	:	Chief Force Limited
<b><u>Site</u></b>	:	Lot 616 S.B RP (Part) in D.D. 114, Yuen Long
<b><u>Site Area</u></b>	:	1,325m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Village Type Development” (“V”) [Restricted to a maximum building height of 3 storeys (8.23m)]
<b><u>Application</u></b>	:	Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 3 Years <sup>1</sup>

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary shop and services (motor-vehicle showroom) for a period of 3 years. The Site falls within an area zoned “V” on the approved Shek Kong OZP No. S/YL-SK/9 (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use within “V” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with the planning permission under application No. A/YL-SK/284 (**Plans A-2 to A-4b**), which lapsed on 23.10.2023.
- 1.2 The Site involves 11 previous applications (detailed in paragraph 5 below). The current application is the same as the last approved application No. A/YL- SK/284 submitted by the same applicant in terms of the applied use, site area/boundary, layout and major development parameters. All the approval conditions were complied with.
- 1.3 According to the applicant’s submission, the applied use will comprise two one storey structures for a temporary office and a meter room respectively, with a building height of about 2.5m to 3.5m and a total floor area of about 61m<sup>2</sup> (**Drawing A-1**). The remaining site area will mainly serve as an outdoor motor vehicle showroom, circulation space and vehicular access. Two parking spaces for private cars are provided on-site. The operation hours will be 9:00a.m. to

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<sup>1</sup> The applicant seeks renewal of the planning permission under application No. A/YL-SK/284. However, as that permission lapsed on 23.10.2023, the application is being processed as a fresh section 16 planning application.

7:00p.m. daily, including public holidays. The Site is directly accessible from Kam Tin Road. The site layout plan, vehicular access plan, landscape, drainage and fire service installations plans are at **Drawings A-1 to A-5**.

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

- (a) Application Form with Planning Statement received on 4.8.2023 (**Appendix I**)
- (b) Further Information (FI) received on 13.10.2023\* (**Appendix Ia**)
- (c) FI received on 18.10.2023\* (**Appendix Ib**)

*\* accepted and exempted from publication and recounting requirements*

1.5 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) on 22.9.2023 agreed to defer making a decision on the application to allow time for the applicant to address departmental comments. After the deferral request, the applicant has submitted FIs in response to departmental comments on 13.10.2023 and 18.10.2023. The application is scheduled for consideration by the Committee at this meeting.

## **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 Ib** respectively and summarized below:

- (a) This application is the re-submission of the previous approved planning application (No. A/YL-SK/284). The applied use of the current application is the same as the previous application, and there was no adverse comment and complaint from government departments and nearby residents received in relation to the applied use.
- (b) The applied temporary use is a Column 2 use in the “V” zone of the OZP, which is in line with the planning intention of the zone to serve the needs of the villagers and to support the village development.
- (c) The Site would solely be used as the applied use. No vehicles exceeding 5.5 tonnes will be allowed to park/store at the Site to ensure the environmental quality of the Site.
- (d) All the approval conditions of the previous application have been complied with.

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

The applicant is not a “current land owner” 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.31A) by posting site notice at the Site and sending notification

letter to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

#### 4. **Background**

The Site is not subject to any active enforcement action.

#### 5. **Previous Applications**

- 5.1 The Site, in part or in whole, is involved in 11 previous applications. Details of the applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.
- 5.2 Applications No. A/YL-SK/228 and 284 for the same use as the current application with the same layout and development parameters submitted by the same applicant were approved with conditions by the Committee in January 2018 and October 2020 respectively, mainly on the considerations that temporary approvals of the applications would not jeopardize the long-term planning intention of the "V" zone; the developments were not incompatible with the surrounding land uses; there was no adverse comments from the relevant government departments; and the technical concerns could be addressed by appropriate approval conditions. However, Application No. A/YL-SK/228 was revoked in 2020 due to non-compliance with approval conditions.
- 5.3 The other nine applications (No. A/YL-SK/37, 81, 92, 110, 127, 149, 155, 177 and 212) for various temporary open storages and public/ private car parks are not relevant to the current application.

#### 6. **Similar Applications**

There are two similar applications (No. A/YL-SK/316 and 331) for temporary shop and services use (/and filling of land) within the same "V" zone in the past 5 years. All of them were approved with conditions by the Committee on similar considerations as stated in paragraph 5.2 above. Details of the applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

#### 7. **The Site and Its Surrounding Areas** (Plans A-2 to A-4b)

- 7.1 The Site is:
  - (a) currently fenced, hard-paved and used for the applied use with planning permission under application No. A/YL-SK/284; and
  - (b) abutting Kam Tin Road and with direct vehicular access from the road.
- 7.2 The surrounding areas are rural in character mainly occupied by residential dwellings/structures, agricultural land, shops, open storage yards, workshops and vacant/unused land (**Plan A-2**).

## **8. Planning Intention**

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. 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. 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 Comment Received During Statutory Publication Period**

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

11.1 The application is for applied temporary shop and services (motor vehicles showroom) for a period of 3 years at the Site zoned “V”. The “V” zone is primarily intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small House development, selected commercial and community uses serving the needs of the villagers and in support of the village development are permitted on the ground floor of New Territories Exempted Houses. Although the applied use is not entirely in line with the planning intention of “V” zone, there is currently no Small House application under processing at the Site. Approval of the application on a temporary basis for a period of 3 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 intermixed mostly with residential dwellings/structures, agricultural land, shops, workshops, open storage yards, workshops and vacant/unused land.

11.3 The current application is the same as the last approved application No. A/YL-SK/284 in terms of the applied use, site area/boundary, layout and major development parameters; all the approval conditions had been complied with; the planning approval period sought is of the same time frame as the previous

approval; and there has been no material change in planning circumstances since the granting of the previous approval.

- 11.4 Relevant government departments consulted, including C for T, DEP, CE/MN of DSD and D of FS have no objection to/no adverse comment on the application. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department.
- 11.5 The Site was involved in 11 previous applications (No. A/YL-SK/37, 81, 92, 110, 127, 149, 155, 177, 212, 228 and 284) for various temporary uses including public vehicle park, open storage and shop and services uses, except A/YL-SK/149, all the applications were approved with conditions by the Committee/ Board from 1997 to 2020. In addition, there are two similar applications for temporary shop and services use within the same "V" zone (No. A/YL-SK/316 and 331) which was approved with conditions by the Committee on 29.10.2021 and 24.6.2022 respectively. The Committee's considerations as stated in paragraphs 5 and 6 are generally applicable to the current application, and approval of this application is in line with the previous decisions of the Committee.
- 11.6 No public comment was received during the statutory publication period.

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

- 12.1 Based on the assessments made in paragraph 11, the Planning Department 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 3 years until 27.10.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) no operation between 7:00p.m. to 9:00a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the Site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;

- (e) the submission of the 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 27.1.2024;
- (f) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (g) if any of the above planning condition (a), (b), (c), (d) or (f) 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
- (h) if the above planning condition (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 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 recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. No strong planning justification has been given in the submission to justify 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 reasons for rejection should be given to the applicant.

### **14. Attachments**

<b>Appendix I</b>	Application Form with Planning Statement received on 4.8.2023
<b>Appendix Ia</b>	FI received on 13.10.2023
<b>Appendix Ib</b>	FI received on 18.10.2023

<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	General Departmental Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Vehicular Access Plan
<b>Drawing A-3</b>	Landscape Plan
<b>Drawing A-4</b>	Drainage Plan
<b>Drawing A-5</b>	Fire Service Installations Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**