

RNTPC Paper No. A/YL-SK/370B
For Consideration by the
Rural and New Town
Planning Committee
on 10.1.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/370

<u>Applicant</u>	:	Mr. WONG Sai Kong represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Lots 1285 RP, 1286 RP and 1290 (Part) in D.D. 114, Shek Kong, Yuen Long
<u>Site Area</u>	:	2,050m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Village Type Development” (“V”) <i>[Maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	:	Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 5 Years and Associated Excavation and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (motor-vehicle showroom) for a period of 5 years and associated excavation and filling of land 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 for “V” zone which requires planning permission from the Town Planning Board (the Board). Excavation and filling of land also require permission from the Board. The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 to A-4c**).
- 1.2 The Site abuts Kam Sheung Road (**Plans A-1 to A-3**). According to the applicant, the applied use involves three one to two-storey structures (about 3.5m to 7.5m in height) with a total floor area not more than 2,100m² for motor-vehicle showrooms, office, and toilet uses. The applicant also applies for filling of land with concrete of about 0.2m in depth (up to a level of about to 32.5mPD at the north-western part and 32.9mPD at the south-eastern part of the Site) at the entire Site for smooth manoeuvring and excavation of land of about 93.75m² (4.5%) for about 0.375m in depth at the periphery of the Site for provision of surface channel (**Drawing A-2**). The operation hours are from 9:00 a.m. to 7:00 p.m. daily,

including public holidays. All vehicles available for sale (including new and second-hand vehicles) will be housed within the two proposed showrooms. No car repairing, car spraying, dismantling, or other workshop activities will be carried out at the Site. Five private car parking spaces will be provided. The site layout plan and land filling and excavation plan submitted by the applicant are at **Drawings A-1 and A-2**.

1.3 The Site is involved in four previous applications. The last application No. A/YL-SK/316 submitted by a different applicant for the same use covering part of the Site with different layout and development parameters was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 29.10.2021 and the planning permission was subsequently revoked due to non-compliance of approval conditions (details at paragraph 5 below).

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

- (a) Application Form with supplementary information (**Appendix I**)
received on 19.4.2024
- (b) Further Information (FI) received on 22.7.2024* (**Appendix Ia**)
- (c) FI received on 1.8.2024* (**Appendix Ib**)
- (d) FI received on 11.11.2024* (**Appendix Ic**)

** accepted and exempted from publication and recounting requirements*

1.5 On 7.6.2024 and 20.9.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's requests to defer making a decision on the application for two months each to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, supplementary information and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The applied temporary use is a Column 2 use in the "V" zone of the OZP, which will serve the need for private cars of the villagers and residents in the vicinity.
- (b) The applied use is on a temporary basis and therefore would not jeopardise the long-term planning intention of the "V" zone. The applied use is also considered not incompatible with the surrounding land uses.
- (c) There is a similar application approved by the Committee in the vicinity of the Site.

- (d) The applicant has submitted drainage, fire service installations (FSIs) and run-in/out proposals in the current application to demonstrate sincerity to comply with planning conditions imposed on the last planning permission.
- (e) The applied use would not create significant adverse environmental and drainage impacts on the surrounding areas, nor any road safety threads to the neighbourhood.
- (f) The existing structures will be demolished should the application be approved. The applicant will apply for short term waiver (STW) to cover the temporary structures to be erected at the Site upon planning approval.

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. 31B) by posting site notices and sending notice to the Pat Heung Rural Committee by registered post. 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 involved in four previous applications (No. A/YL-SK/169, 231, 311 and 316). Two of the applications (No. A/YL-SK/231 and 311) for temporary public vehicle park and temporary storage use and ancillary workshop which considerations are not relevant to the current application. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 The remaining two applications (No. A/YL-SK/169 and 316) for shop and services (horticulture and interior design sample showroom (A/YL-SK/169) and motor-vehicle showroom (A/YL-SK/316)) were approved by the Committee in 2012 and 2021 mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention of the “V” zone; it would unlikely generate significant adverse environmental or traffic impacts; the proposed/applied use considered not incompatible with the surrounding areas; and relevant government departments in general had no adverse comments on the applications and the technical concerns could be addressed by approval conditions. The planning permissions for both applications were subsequently revoked due to non-compliance of approval conditions regarding run-in/out, FSIs, landscape, and drainage aspects.

- 5.3 Compared to the last approved application (No. A/YL-SK/316), the current application was submitted by a different applicant for the same applied use covering a larger site with changes in layout and major development parameters, and with associated excavation and filling of land.

6. Similar Applications

Five similar applications (No. A/YL-SK/284, 295, 331, 352 and 385) covering four sites for temporary shop and services use with/without associated filling of land within the same “V” zones in the vicinity of the Site were considered by the Committee in the past five years. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**. All the applications were approved with conditions by the Committee between 2020 and 2024 on similar considerations as stated in paragraph 5.2 above.

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

7.1 The Site:

- (a) abuts Kam Sheung Road; and
- (b) is currently hard-paved and occupied by the applied use without valid planning permission.

7.2 The surrounding areas comprise predominantly village houses/ residential dwellings, vehicle showroom, vehicle parking and repair workshop, 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 Small Houses (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 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

- 9.1 Apart from the government department as set out in 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 are provided in **Appendices III** and **IV** respectively.

9.2 The following government department has adverse comments on the application:

Land Administration

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

- (a) he has reservation on the planning application since there are unauthorized structures and uses on the private lots which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (b) the Site comprises Old Schedule Agricultural Lot Nos. 1285 RP, 1286 RP and 1290 all in D.D. 114 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; and
- (c) if the planning application is approved, the lot owner(s) shall apply to LandsD for a Short Term Waiver (STW) to permit the structure(s) erected within the private lots. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that the application will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (d) there is no SH application approved or under processing for the Site; and
- (e) his detailed advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 30.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the development would lead to adverse impact on drainage and road safety (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The applicant seeks planning permission for temporary shop and services (motor-vehicle showroom) for a period of 5 years and associated excavation and 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. Land within the “V” zone is primarily intended for development of SHs by indigenous villagers, and other commercial, community and recreational uses may be permitted on application to the Board. While the applied use is not entirely in line with the planning intention of the “V” zone, the applicant claims that the applied use would serve the demand for private cars trading in the neighbourhood. According to the DLO/YL, LandsD, there is no SH application approved or under processing at the Site. 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. 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 comprise predominantly village houses/ residential dwellings, vehicle showroom, vehicle parking and repair workshop, and vacant land. 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 Excavation and filling of land within the “V” zone require planning permission from the Board. The applicant has provided justifications for the need of filling of land for smooth manoeuvring of vehicles, and excavation of land for provision of drainage facilities, and the extent and scale of which are not significant. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Environmental Protection have no objection to the application from drainage and environment perspectives respectively.
- 11.4 Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or uses on the concerned lots within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to/ no adverse comment on the application from traffic and fire safety perspectives respectively. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, 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” to minimise any potential environmental impact on the surrounding areas and that the planning permission does not condone any other uses not covered by the application but currently existing on the Site.
- 11.5 The Site is the subject of a previously approved application No. A/YL-SK/316 for the same applied use submitted by a different applicant. However, the planning permission was subsequently revoked due to the non-compliance with time-limited approval conditions regarding run-in/out, FSIs and drainage proposals. In this regard, the applicant has submitted run-in/out, drainage, and FSIs proposals in the current application to which relevant departments have no objection to the application. Should the application be approved, the applicant

will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further application.

- 11.6 Give that the Committee has approved two previous applications for similar/ same shop and services use at the Site in 2012 and 2021 respectively and five similar applications within the same “V” zone in the vicinity of the Site in the past five years as mentioned 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 objecting the application, the applicant claimed that the Site abuts Kam Sheung Road and it is not close to any parks, hence the road safety threat to the elderly and children is low (**Appendix Ia**). The applicant also submitted a drainage proposal, which has been accepted by the CE/MN of DSD. Departmental comments and planning considerations above are also relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken 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 five years until 10.1.2030. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the implementation of the accepted 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 10.10.2025;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 10.7.2025;
- (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 10.10.2025;
- (e) if the above planning condition (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; and

- (f) if any of the above planning condition (a), (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 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 with associated excavation and filling of land 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 SHs 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

Appendix I	Application Form with attachments received on 19.4.2024
Appendix Ia	FI received on 22.7.2024
Appendix Ib	FI received on 1.8.2024
Appendix Ic	FI received on 11.11.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Land Filling and Excavation Plan

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**