

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/385

- Applicant** : China Motor Services (H.K.) Limited represented by Goldrich Planners and Surveyors Ltd.
- Sites** : Lots 906 RP and 907 in D.D. 114 and Adjoining Government Land (GL), Shek Kong, Yuen Long
- Site Area** : 706m² (about) (including GL of about 462m² (about 65.4%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services (Motor-vehicle Showroom) for a Period of 5 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (motor-vehicle showroom) for a period of five years and associated 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 within the “V” zone which requires planning permission from the Town Planning Board (the Board). Filling of land within “V” zone also requires planning permission from the Board. The Site is currently paved and partly fenced, and occupied by some vacant temporary structures (**Plans A-3 to A-4**).
- 1.2 The Site is accessible from its southeast via a local track leading to Kam Sheung Road (**Plan A-2**). According to the applicant, the proposed use comprises two single-storey structures (about 5m in height) with a total floor area of about 302m² for vehicle showroom. The outdoor areas will be used for the display of vehicles for sale. One private car parking space will be provided within the Site (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire Site with concrete of about 0.2m in depth (from +34.0mPD to +34.2mPD) for erection of structures and manoeuvring of vehicles (**Drawing A-2**). The proposed operation hours are from 9 a.m. to 6 p.m. daily, including public holidays.

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

- (a) Application Form with attachments received on (Appendix I) 17.7.2024
- (b) Further Information (FI) received on 5.11.2024* (Appendix Ia)
**accepted and exempted from publication and recounting requirements*

1.4 On 8.9.2024, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application as requested by the applicant for two months 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 and FI at **Appendices I and Ia** and can be summarised as follows:

- (a) the proposed use provides a venue for the display of new and/or second-hand private cars and/or light goods vehicles for sale. Three to four staff members will be stationed at the Site to support the showroom operation and customers are required to make prior reservation before visiting the Site. As the proposed use is temporary in nature, approval of the application on a temporary basis for a period of five years would not jeopardise the long-term planning intention of the “V” zone;
- (b) there are similar applications for shop and services use approved by the Committee within the “V” zone of the same OZP in the past five years and it is considered that the planning circumstances of the current application are similar to these approved applications;
- (c) the proposed use would not create significant adverse visual, landscape, traffic, environmental, drainage and fire impacts on the surrounding areas, and no vegetation clearance and tree felling would be involved. Besides, the associated filling of land only serves to regularise the existing conditions of the Site and no further filling of land is required. To demonstrate that the proposed use would not induce significant adverse impacts to the surroundings, the applicant has submitted a drainage proposal and a fire service installations proposal in support of the application;
- (d) the applicant undertook to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (CoP) issued by the Environmental Protection Department (EPD) in order to minimise possible environmental nuisances and to comply with all environmental protection/pollution control ordinances. No public announcement systems, whistle blowing or portable loudspeaker would be allowed within the Site; and
- (e) the applicant will apply to the Lands Department (LandsD) for a Short Term Waiver (STW) to regularise the structure(s) at the Site.

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

The applicant is not a “current land owner” of the private land within 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 notice to the Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL, the requirements as set out in the TPB PG-No. 31B are not applicable.

4. **Background**

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

5. **Previous Application**

There is no previous application covering the Site.

6. **Similar Applications**

6.1 During the past five years, there were five similar applications (No. A/YL-SK/284, 295, 316, 331 and 352) covering four sites for temporary shop and services uses (including one with filling of land) within the same “V” zone in the vicinity of the Site. All these applications were approved with conditions by the Committee between 2020 and 2023 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of ‘V’ zone; the proposed use was not incompatible with the surrounding land uses; and relevant departments consulted had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions.

6.2 Details of these similar applications are summarised in **Appendix II** 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) currently paved and partly fenced, and occupied by some vacant temporary structures; and
- (b) accessible via a local track leading to Kam Sheung Road.

7.2 The surrounding areas are rural in character predominated by village house/residential dwellings with some fallow agricultural land, a wood yard, vehicle repair workshops, a nullah, parking of vehicles 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 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 department 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**

On 26.7.2024, the application was published for public inspection. During the public inspection period, one public comment was received from an individual raising objection to the application mainly on the grounds that the proposed use would worsen the traffic condition and road safety at Kam Sheung Road and intensify the problem of unauthorised parking.

11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services (motor-vehicle showroom) for a period of five years and associated filling of land at the Site zoned “V” (**Plan A-1**). Although the proposed use is not entirely in line with the planning intention of the “V” zone, the applicant claimed that it could provide a venue for sales of vehicle. According to the District Lands Officer/Yuen Long of LandsD, there is no SH application approved or under processing at the Site. The proposed 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 applicant also applies for regularisation of filling of land for the entire Site with concrete of about 0.2m in depth. Filling of land within the “V” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives respectively.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character predominated by village house/residential dwellings

with some fallow agricultural land, a wood yard, vehicle repair workshops, a nullah, parking of vehicles and vacant land. (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) has no objection to the application and considers that significant adverse landscape impact arising from the proposed use is not anticipated.

- 11.4 Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application from traffic and fire safety perspectives respectively. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. Besides, the applicant will be advised to follow the latest CoP issued by EPD to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas.
- 11.5 As detailed in paragraph 6 above, there are five similar applications approved by the Committee in the past five years. Approving the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comment as stated in paragraph 10 above, the planning considerations and departmental comments above are 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 20.12.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 20.6.2025;
- (b) in relation to (a) above, the implementation of the revised 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 20.9.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 20.6.2025;
- (e) in relation to (d) 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 20.9.2025;

- (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 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 proposed use with associated filling of land is not in line with the planning intention of the "V" zone which is to primarily 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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 17.7.2024
Appendix Ia	FI received on 5.11.2024
Appendix II	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 Plan

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**