

RNTPC Paper No. A/YL-SK/397
For Consideration by the
Rural and New Town
Planning Committee
on 24.1.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/397

- Applicant** : Mr. Sze Chi Keung and Ms. Liu Hui Ru represented by Metro Planning & Development Company Limited
- Site** : Lot 878 (Part) in D.D. 114 and Adjoining Government Land (GL), Shek Kong, Yuen Long, New Territories
- Site Area** : About 360m² (including GL of about 50m² (13.9%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
- Zoning** : “Residential (Group D)” (“R(D)”)
[Maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
- Application** : Temporary Shop and Services (Vehicle Spare Parts Shop) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services (vehicle spare parts shop) for a period of three years at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 2 use under “R(D)” zone requiring planning permission from the Town Planning Board (the Board). The Site is occupied by the applied use without valid planning permission (**Plans A-2 to A-4c**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves one two-storey structure (about 6m in height) with a total floor area of not more than 185m² for shop and services use selling vehicle parts such as audio systems for car and car accessories. The operation hours are from 9:00 a.m. to 7:00 p.m. daily, including public holidays. No workshop activities and car spraying will be carried out at the Site. One private car parking space and one light van parking space will be provided. The use of these parking spaces will require pre-booking. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site, in part or in whole, is involved in three previous applications. The last application No. A/YL-SK/320 submitted by a different applicant for the same use covering the same site with the same layout and development parameters was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 24.12.2021 and the planning permission was subsequently revoked due to non-compliance of approval condition (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (Appendix I)
27.11.2024
 - (b) Supplementary Information (SI) received on 4.12.2024 (Appendix Ia)
 - (c) Further Information (FI) received on 31.12.2024* (Appendix Ib)
 - (d) FI received on 6.1.2025* (Appendix Ic)

** 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, SI 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 “R(D)” zone of the OZP, which will serve the demand for car accessories of the 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 “R(D)” zone. The applied use is also considered not incompatible with the surrounding land uses.
- (c) There were previous approved applications for shop and services use at the Site. There is also a similar application approved by the Committee in the vicinity of the Site.
- (d) U-channel has been provided at the Site. The applicant has submitted as-built drainage plan and fire service installations (FSIs) proposal in support of this application.
- (e) The applied use would not create significant adverse traffic, environmental, noise and drainage impacts on the surrounding areas.
- (f) Should the application be approved, the applicant will liaise with the Lands Department (LandsD) regarding any unauthorised structures and occupation of GL.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

4. **Background**

The Site is currently not subject to any active planning enforcement action. The Site was previously covered by a planning approval under application No. A/YL-SK/320 for the same use for a period of three years, which was revoked on 24.9.2023. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. **Previous Applications**

- 5.1 The Site, in part or in whole, is involved in three previous applications (No. A/YL-SK/248, 270, and 320). Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 The three applications (No. A/YL-SK/248, 270, and 320) for shop and services uses (for hardware groceries, real estate agency, and vehicle spare parts respectively) were approved by the Committee between 2019 and 2021 mainly on the considerations that the proposed use on a temporary basis would not jeopardised the long-term planning intention of the “R(D)” zone; the proposed use was considered not incompatible with the surrounding areas; and relevant government departments consulted in general had no adverse comments on the application and their technical concerns could be addressed by approval conditions. The permissions under applications No. A/YL-SK/270 and 320, submitted by a different applicant from the current applicant, were subsequently revoked due to non-compliance with approval condition related to the implementation of FSIs proposal.
- 5.3 Compared to the last approved application (No. A/YL-SK/320), the current application is submitted by a different applicant for the same applied use, with the same site area/boundary, layout, and major development parameters.

6. **Similar Applications**

- 6.1 Five similar applications (No. A/YL-SK/271, 296, 303, 328 and 353) covering four sites for temporary shop and services use within the same “R(D)” zone in the vicinity of the Site were considered by the Committee in the past five years. All the applications were approved with conditions by the Committee between 2020 and 2023 on similar considerations as stated in paragraph 5.2 above. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

- 6.2 Other than the similar applications as stated in paragraph 6.1 above, application No. A/YL-SK/396 for similar shop and services use as the current application within the same “R(D)” zone will be considered at the same meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) accessible from Kam Sheung Road; and
- (b) currently occupied by the applied use without valid planning permission.

7.2 The surrounding areas comprise predominantly residential structures intermixed with shop and services, restaurants, parking of vehicles, open storage yards, vehicle repair workshops, factory and warehouse.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from 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 IV** and **V** respectively.

9.2 The following government department has objection to the application:

Land Administration

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

- (a) the Site comprises GL and Old Schedule Agricultural Lot No. 878 in D.D. 114 held under the Block Government lease which contains the restriction that no structures are allowed to be erected with the prior approval of the Government;
- (b) LandsD objects to the planning application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy;

(c) she has reservation on the planning application since there are unauthorised structures and uses on the Lot 878 in D.D. 114 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; and

(d) advisory comments are at **Appendix V**.

10. Public Comment Received During Statutory Publication Period

On 6.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns in relation to non-compliance of approval condition on FSIs in the previous application which puts the community at risk (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The applicant seeks planning permission for temporary shop and services (vehicle spare parts shop) for a period of three years at the Site zoned “R(D)” (**Plan A-1**). While the applied use is not entirely in line with the planning intention of the “R(D)” zone, the applicant claims that the applied use is to serve the local neighbourhood by catering for their demand for car accessories. Besides, there is no known development proposal at the Site. It is considered that the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(D)” zone.
- 11.2 The applied use is considered not incompatible with the surrounding land uses which comprise predominantly residential structures intermixed with shop and services, restaurants, parking of vehicles, open storage yards, vehicle repair workshops, factory and warehouse (**Plan A-2**). 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 Regarding DLO/YL, LandsD’s concern on the unauthorised structure(s) erected within/outside the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services (D of FS), have no objection to/ no adverse comment on the application. To address the technical requirements of concerned government departments, relevant 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” to minimise any potential environmental nuisance by the applied use on the surrounding areas.

- 11.4 The Site is the subject of a previously approved application No. A/YL-SK/320 for the same applied use submitted by a different applicant. Notwithstanding this, the planning permission was subsequently revoked due to the non-compliance with time-limited approval condition on the implementation of FSIs proposal. In this regard, the applicant has submitted a FSIs proposal in the current application, which is considered acceptable by D of FS.
- 11.5 Given that the Committee has approved three previous applications for similar/same shop and services uses at the Site and five similar applications within the same “R(D)” 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.
- 11.6 Regarding the public comment raising concern on the application, departmental comments and planning assessments 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 three years until 24.1.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission of a condition 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 24.4.2025;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 24.10.2025;
- (d) 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
- (e) if any of the above planning condition (a) 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 is not in line with the planning intention of the "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and also intended for low-rise, low-density residential developments. There is no strong planning justification 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 27.11.2024
Appendix Ia	SI received on 4.12.2024
Appendix Ib	FI received on 31.12.2024
Appendix Ic	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
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo

Plans A-4a to A-4b

Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**