

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/690

- Applicant** : Mr. TAM Man Shing
- Site** : Lots 1775 S.I (Part), 1775 S.J (Part), 1775 S.K (Part), 1775 S.O (Part), 1775 S.Q (Part), 1775 S.R (Part), 1775 S.S (Part) in D.D. 119, Tai Tong, Yuen Long, New Territories
- Site Area** : 384 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m) except for those developments/uses specified in the Notes]
- Application** : Proposed Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ (being not 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). The Site is paved and currently occupied by a temporary structure for vehicle repair workshop without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kiu Hing Road via a local track road with ingress/egress points in the west and south (**Drawing A-1 and Plan A-2**). According to the applicant, the proposal consists of one 1-storey structure (5m in height) with a total floor area of 384m² for providing car beauty service and retail sale of vehicle spare parts with loading/unloading (L/UL) spaces and an ancillary storage room. Two L/UL spaces for Light Goods Vehicles (LGVs) of 7m x 3.5m will be provided (**Drawing A-2**). The applicant confirmed that the proposed use will not involve any workshop uses and activities, such as paint spraying, dismantling and car repairing activities. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public

holidays. Plans showing the vehicular access and site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on **(Appendix I)**
17.12.2024
- (b) Further Information (FI) received on 17.2.2025* **(Appendix Ia)**
- (c) FI received on 18.3.2025* **(Appendix Ib)**
**accepted and exempted from publication and recounting requirements*

1.4 On 14.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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**. They can be summarised as follows:

- (a) the proposed use could serve the nearby residents and villagers;
- (b) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone; and
- (c) there are similar cases approved nearby.

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 the notices to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Part of the Site is the subject of a planning enforcement case (No. E/YL-TT/723) against unauthorized development (UD) involving workshop and storage use (**Plan A-2**). The Enforcement Notice (EN) was issued on 26.7.2024 requiring discontinuation of the UD by 26.10.2024. However, the latest site inspection conducted in December 2024 revealed that the UD still continued upon expiry of the EN. Prosecution action against non-compliance of EN is being considered.

5. **Previous Application**

Part of the Site is the subject of a previous application (No. A/YL-TT/649) for proposed temporary warehouse for a period of three years which was rejected by the Committee in 2024. Considerations of the rejected application are not relevant to the current application which involves a different use. Details of the previous application are at **Appendix III** and its location is shown on **Plan A-1b**.

6. **Similar Applications**

There are 11 similar applications (No. A/YL-TT/539, 549, 555, 558, 565, 566, 591, 624, 678, 679 and 693) for temporary shop and services use for a period of three/five years within/straddling the subject “V” zone in the past five years which were approved with conditions by the Committee between 2022 and 2025 mainly on the considerations that the temporary use would not jeopardise the long-term planning intention; being not incompatible with the surrounding uses and the departmental concerns could be addressed by imposing approval conditions. However, the planning permissions for applications No. A/YL-TT/539 and 566 were revoked in 2024 and 2022 respectively due to non-compliance with time-limited approval conditions. Details of these similar applications are at **Appendix II** and their locations are shown on **Plan A-1a**.

7. **Planning Intention**

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the 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 an NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

8. **The Site and Its Surrounding Areas** (Plans A-1a to A-4)

8.1 The Site is:

- (a) paved and currently occupied by a temporary structure for vehicle repair workshop without valid planning permission; and
- (b) accessible from Kiu Hing Road via a local track road.

8.2 The surrounding areas are rural residential in nature predominantly occupied by village houses and temporary structures intermixed with parking of vehicles, storage/open storage yards, farmland and vacant land. Some of these uses are suspected UD's subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 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 conveyed local views on the application:

District Officer's Comments

9.2.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

His office received an objection on 15.1.2025 from an indigenous villager of Pak Sha Tsuen against the application which has been sent to the Board and copied to his office (details at paragraph 10 below).

10. Public Comments Received During the Statutory Publication Period

On 27.12.2024, the application was published for public inspection. During the statutory period, three public comments were received from an indigenous villager and two individuals (**Appendix V**) objecting to the application mainly on the grounds that the proposed use is incompatible with the village houses; the risk of fire and flooding would be increased; there would be adverse environmental and traffic impacts on the surrounding residential area; and the Site is currently for brownfield use.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary shop and services for a period of three years at the Site zoned "V" on the OZP. Although the proposed use is not entirely in line with the planning intention of the "V" zone, it could serve the needs of the nearby residents and villagers. According to the District Lands Officer/Yuen Long of Lands Department, there is no Small House application approved at the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term planning intention of the "V" zone.

11.2 The proposed use is generally not incompatible with the surrounding areas which are rural residential in nature predominantly occupied by village houses and temporary structures intermixed with parking of vehicles, storage/open storage yards, farmland and vacant land (**Plan A-2**).

11.3 Concerned government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment from environmental, traffic, fire safety and drainage perspectives respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the

technical requirements of the concerned government departments. 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 the potential environmental nuisances on the surrounding areas.

- 11.4 There are 11 similar applications within/straddling the subject “V” zone approved by the Committee between 2022 and 2025 as mentioned in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments as summarised in paragraphs 9.2.1 and 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the concern on using the Site for brownfield operations, any UD on the Site would be subject to planning enforcement action.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments conveyed by DO(YL), HAD in paragraph 9.2.1 and mentioned in paragraph 10 above, 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 three years until 11.4.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 11.10.2025;
- (b) in relation to (a) above, the implementation of the 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 11.1.2026;
- (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 11.10.2025;
- (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 11.1.2026;

- (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 is not line with the planning intention of the "Village Type Development" zone which is primarily for development of Small Houses by indigenous villagers. No strong planning justifications have 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 17.12.2024
Appendix Ia	FI received on 17.2.2025
Appendix Ib	FI received on 18.3.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular Route Plan
Drawing A-2	Layout Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2025**