

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

**APPLICATION NO. A/YL-TT/693**

- Applicant** : Mr. TAM Man Shing
- Site** : Lots 1775 RP (Part), 1775 S.C (Part), 1775 S.D, 1775 S.E, 1775 S.F, 1775 S.I (Part), 1775 S.J (Part), 1775 S.K (Part), 1777 S.A and 1777 S.B in D.D. 119, Yuen Long, New Territories
- Site Area** : 600m<sup>2</sup> (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-1**). 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 require planning permission from the Town Planning Board (the Board). The Site is paved and occupied by a temporary structure for car repairing workshop without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kiu Hing Road via a local track with an ingress/egress point at the west (**Drawing A-1 and Plan A-2**). According to the applicant, the proposal consists of four single-storey structures (5m in height) with a total floor area of around 480 m<sup>2</sup> for sale of vehicle parts and accessories and providing car beauty services with ancillary storage and office uses. No paint spraying, dismantling and car repairing activities will be carried out at the Site. Plans showing the vehicle access and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The major development parameters of the current application are summarised as follows:

<b>Site Area</b>	About 600 m <sup>2</sup>
<b>Total Floor Area (Non-domestic)</b>	About 480 m <sup>2</sup>
<b>No. of Structures (Height)</b>	4 (5m, 1 storey) <ul style="list-style-type: none"><li>- 1 for sale of vehicle parts and accessories</li><li>- 1 for car beauty services</li><li>- 1 for storage use</li><li>- 1 for office use</li></ul>
<b>No. of Loading/Unloading Spaces</b>	4 for light goods vehicles (3.5m x 7m)
<b>Operation Hours</b>	9:00 a.m. to 6:00 p.m. Mondays to Saturdays (excluding Sundays and public holidays)

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

- (a) Application Form with attachments received on **(Appendix I)** 30.12.2024
- (b) Further Information (FI) received on 16.2.2025 **(Appendix Ia)**

## **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**. They can be summarised as follows:

- (a) the proposed use could serve the nearby residents and villagers to meet their demand for car beauty services and vehicle parts;
- (b) the proposal is temporary in nature and would not jeopardise the long-term planning intention of the “V” zone;
- (c) the proposed use is not incompatible with the surrounding areas. Adverse environmental and landscape impacts on the surrounding areas are not anticipated; and
- (d) similar application (No. A/YL-TT/678) was approved with conditions within the same “V” zone, which indicates that the Site is suitable for the proposed use on temporary basis.

## **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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending the notice to Shap Pat

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

#### **4. Background**

The Site is the subject of a planning enforcement case No. E/YL-TT/725 against an unauthorized development (UD) involving workshop use, storage use (including deposit of containers) and use of place for parking of vehicles. The compliance period of the Enforcement Notice (EN) expired on 24.10.2024. The latest site inspection in December 2024 revealed that the UD still continued upon expiry of the notice. Prosecution action is being considered (**Plans A-2**).

#### **5. Previous Application**

There is no previous application concerning the Site.

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

There are nine similar applications (No. A/YL-TT/539, 549, 555, 558, 565, 566, 591, 624 and 678) for temporary shop and services for three or five years within/straddling the same "V" zone in the past five years. They were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2025 mainly on considerations that the temporary use would not jeopardise the long-term planning intention(s) of the area; being not incompatible with the surrounding uses and the departmental concerns could be addressed by imposing approval conditions. Details of these similar applications are at **Appendix II** and their 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) paved and occupied by a temporary structure for car repairing workshop without valid planning permission; and
- (b) accessible from Kiu Hing Road via a local track.

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

#### **8. 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.

## **9. Comments from Relevant Government Departments**

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

### **District Officer's Comments**

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

his office received feedbacks from a local objecting to the application on the grounds that the proposed use is not in line with the planning intention of "V" zone; the risks of fire and flooding would be increased that pose threat to lives and properties; adverse traffic and road safety impacts would be generated to the surroundings residential areas; and the Site is suspected to be used for brownfield operations (**Appendix V**).

## **10. Public Comment Received During the Statutory Publication Period**

On 7.1.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**) from individuals and villager of Pak Sha Tsuen objecting to the application (one letter is identical to **Appendix V**) on the same grounds mentioned in paragraph 9.2.1 above.

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

11.1 The application is for the 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 help 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 storage/open storage yards, parking of vehicles, warehouse, 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 nine similar applications approved by the Committee between 2021 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 objection conveyed by DO(YL), HAD and public comments as summarised in paragraphs 9.2.1 and 10 above respectively, the planning considerations and assessments 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 mentioned in paragraphs 9.2.1 and 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 28.2.2028. 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 28.8.2025;
- (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 28.11.2025;
- (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 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 28.8.2025;

- (e) in relation to (d) 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 28.11.2025;
- (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 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**

<b>Appendix I</b>	Application Form with attachments received on 30.12.2024
<b>Appendix Ia</b>	FI received on 16.2.2025
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Local Views Conveyed by DO(YL)
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Vehicle Access Plan
<b>Drawing A-2</b>	Site Layout Plan

<b>Plan A-1</b>	Location Plan with Similar applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2025**