

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

**APPLICATION NO. A/YL-TYST/1219**

- Applicant** : Wingly Car Service Co. represented by Metro Planning and Development Company Limited
- Site** : Lot 1552 (Part), 1553 (Part), 1554 RP (Part) in D.D. 121 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : 980 m<sup>2</sup> (about) (including GL of about 101 m<sup>2</sup> (10.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Residential (Group D)” (“R(D)”) (about 74.8%); and  
*[Restricted to a maximum plot ratio of 0.2 and maximum building height (BH) of 2 storeys (6m)]*  
  
“Village Type Development” (“V”) (about 25.2%)  
*[Restricted to a maximum BH of 3 storeys (8.23m)]*
- Application** : Temporary Shop and Services for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ use within the “R(D)” zone and other than on the ground floor of a New Territories Exempted House (NTEH) within the “V” zone is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Shan Ha Road to its north via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for providing car beauty service and selling of private cars. No car repairing, dismantling or other workshop activities will be carried out at the Site. No light, medium or heavy goods vehicles, including container tractors/trailers, will be allowed to access the Site. Plans showing the proposed site layout, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 A major part of the Site is the subject of a previous application (No. A/YL-TYST/998) for temporary shop and services use approved by the Rural and New Town Planning Committee (the Committee) of the Board on 26.5.2020 (details at paragraph 5 below). Compared with the last application, the current application is submitted by a different applicant for similar use at a larger site with changes in layout and development parameters. The major development parameters of the current application and Application No. A/YL-TYST/998 are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/998 (a)</b>	<b>Current Application No. A/YL-TYST/1219 (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Temporary Shop and Services for a Period of 3 Years		Addition of selling of private cars
Site Area	About 730 m <sup>2</sup>	About 980 m <sup>2</sup>	+250 m <sup>2</sup> (+34.2%)
Total Floor Area (Non-domestic)	Not more than 174 m <sup>2</sup>	Not more than 430 m <sup>2</sup>	+256 m <sup>2</sup> (+147.1%)
No. and Height of Structures	3 • for car beauty services, site office, store room and electricity meter room (3 – 4.5m, 1 storey)	3 • for car beauty services, rain shelter, site office and toilet (3.5 – 6m, 1-2 storey(s))	Increase in BH (+0.5 to 1.5m, +1 storey)
No. of Parking Space(s)	Nil	3 (for private cars) (5m x 2.5m each)	+3
No. of Loading/ Unloading Space	Nil	1 (for light van) (7m x 3.5m)	+1
Operation Hours	10:00 a.m. to 5:00 p.m. daily	9:00 a.m. to 5:00 p.m. daily	Longer Operation Hours

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

- (a) Application Form with attachments received on 16.5.2023 (**Appendix I**)
- (b) Further Information (FI) received on 27.6.2023\* (**Appendix Ia**)  
*\*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 (**Appendix I**). They can be summarised as follows:

- (a) the Site is the subject of an approved planning application (No. A/YL-TYST/998) for the same use. The applied use is not incompatible with the surrounding environment and similar applications for shop and services have been approved in

the vicinity of the Site. The applied temporary use would not jeopardise the long-term planning intention of the concerned zones;

- (b) the applied use would benefit the adjacent villagers; and
- (c) the car beauty service will be housed within an enclosed structure. There will be no adverse environmental, drainage and traffic impacts arising from the applied use.

### **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. 31A) by posting site notice and sending the notices to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

### **4. Background**

The Site is currently not subject to planning enforcement action.

### **5. Previous Application**

The Site is the subject of a previous application (No. A/YL-TYST/998) for similar temporary shop and services use as the current application covering a smaller site. The application was approved with conditions by the Committee on 26.5.2020 mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission was subsequently revoked on 26.8.2022 due to non-compliance with approval conditions regarding the implementation of drainage and FSIs proposals. Details of the application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

### **6. Similar Applications**

- 6.1 A total of 11 similar planning applications for various temporary shop and services uses with/without other uses within/straddling the subject “R(D)” or “V” zones had been considered by the Committee in the past five years. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Out of the 11 similar applications, eight applications (No. A/YL-TYST/912, 974, 1043, 1113, 1115, 1127, 1134 and 1188) were approved by the Committee mainly on similar considerations as those in paragraph 5 above.

- 6.3 The remaining three applications (No. A/YL-TYST/1047, 1064 and 1116)<sup>1</sup> were rejected by the Committee between 2020 and 2021 mainly on the grounds that the proposal was not in line with the planning intention of the “R(D)” zone; and/or the scale of the proposals was excessive.

## **7. Planning Intentions**

- 7.1 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.
- 7.2 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 this 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 a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

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

### **8.1 The Site is:**

- (a) paved, partly fenced off and currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**); and
- (b) accessible from Shan Ha Road to its north via a local track (**Plans A-2 and A-3**).

### **8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):**

- (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, parking of vehicles, car servicing, a gas station, a refuse collection point and a nullah;
- (b) there are scattered residential structures in the vicinity of the Site with the nearest one located about 40m to its south; and
- (c) except for the open storage/storage yards within the adjacent “Open Storage” zone, an open storage yard to the immediate southwest of the Site and a warehouse to the further north of the Site, the remaining warehouses, open storage/storage yards, parking of vehicles and car servicing in the vicinity are suspected unauthorized developments subject to planning enforcement action.

---

<sup>1</sup> Applications No. A/YL-TYST/1047 and 1064 are proposed for retailing of plants and provision of gardening services; while Application No. A/YL-TYST/1116 is for selling of building materials (including sanitary ware and hand tools).

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

All government 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.

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

On 23.5.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual alleging that the previous planning permission was revoked due to non-compliance with approval conditions and such consideration should be taken into account by the Board (**Appendix V**).

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

11.1 The application is for temporary shop and services for a period of three years at the Site mainly zoned “R(D)” and partly zoned “V” on the OZP. Although the applied use is not entirely in line with the planning intentions of the “R(D)” and “V” zones, it could serve any such demand for shop and services in the area. Whilst the western portion of the Site falls partly within an area zoned “Residential – Zone 5” under Stage 4 of the Yuen Long South (YLS) Development and partly within an area shown as ‘Road’ under Stage 2B of the YLS Development according to the Revised Recommended Outline Development Plan of YLS, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department have no objection to the application. According to the District Lands Officer/Yuen Long, there is currently no Small House application under processing/approved at the Site. As such, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects (**Appendix IV**).

11.2 The surrounding area comprises predominantly warehouses and open storage/storage yards (**Plan A-2**). Although there are scattered residential structures nearby, the applied use is generally not incompatible with the surrounding area.

11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to/no adverse comment on the application. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. There was no environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning permission 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 possible environmental nuisance on the surrounding areas.

- 11.4 A major part of the Site is the subject of a previous application (No. A/YL-TYST/998) for similar use approved by the Committee on 26.5.2020. However, the planning permission was revoked on 26.8.2022 due to non-compliance with time-limited approval conditions on implementation of drainage and FSIs proposals. The current application is submitted by a different applicant as the last application. The applicant has also submitted drainage and FSIs proposals to support the current application and D of FS and CE/MN, DSD have no objection to the application. As such, sympathetic consideration may be given to the current application.
- 11.5 There are one previous application for similar use at the Site and eight similar applications within/straddling the subject “R(D)” zone approved by the Committee in the past five years. Although there are three similar applications (No. A/YL-TYST/1047, 1064 and 1116) rejected by the Committee on the grounds of excessive scale and not in line with the planning intention of the “R(D)” zone, such considerations are generally not applicable to the current application, which the Site covers a smaller area (about 980m<sup>2</sup>) (area of No. A/YL-TYST/1047 and 1064 is 1,600m<sup>2</sup> and area of No. A/YL-TYST/1116 is 2,320m<sup>2</sup>) and the applied use is generally compatible with the surrounding uses. Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 There is one public comment raising concern on the application received during the statutory public inspection period as summarised in paragraph 10 above. The comments of government departments and planning assessments in paragraphs 11.1 to 11.5 above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment 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 14.7.2026. The following conditions of approval and advisory clauses are also 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 14.4.2024;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing stream/watercourse in the vicinity of the development 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 14.10.2023;

- (d) 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 14.4.2024;
- (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 is not in line with the planning intentions of the "R(D)" and "V" zones, which are primarily for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low-density residential development, and for development of Small Houses by indigenous villagers respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 16.5.2023
<b>Appendix Ia</b>	FI received on 27.6.2023
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Site Layout Plan

<b>Drawing A-2</b>	Drainage Proposal
<b>Drawing A-3</b>	FSIs Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2023**