

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1044

- Applicant** : Promise Luck Limited represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 1296, 1298, 1299, 1300 and 1301 in D.D. 106 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 3,116 m² (including GL of about 1,718m² (55%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15
- Zoning** : Residential (Group D) (“R(D)”)
[Restricted to maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries and Construction Materials) with Ancillary Facilities for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (retail shop for hardware groceries and construction materials) with ancillary facilities for a period of five years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(D)” zone, ‘Shop and Services’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently vacant, largely formed and covered with debris (**Plans A-2 and A-4**)
- 1.2 The Site is accessible from Kam Shui Road via a local access (**Plans A-2 and A-3**). According to the applicant, the proposed use involve three single-storey structures of not more than 5m in height with a total floor area of about 627m² for temporary shop and services, reception and office uses. A total of eight parking spaces (including five for private cars, two for light goods vehicles and one for medium goods vehicle) and no loading/unloading spaces will be provided within the Site. The Site will be used for retail purpose only and no workshop activity will be carried out on Site. Sufficient space will be provided for vehicles to manoeuvre within and entering/leaving the Site. No public announcement systems, whistle

blowing or portable loudspeaker will be allowed at the Site. The operation hours will be between 8:30 a.m. and 6:30 p.m. daily including public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 20.11.2024 (**Appendix I**)
- (b) Further Information (FI) received on 7.1.2025* (**Appendix Ia**)
- (c) FI received on 5.3.2025* (**Appendix Ib**)

**accepted and exempted from publication and recounting requirements*

1.4 On 10.1.2025, 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 meet the demand for hardware groceries and construction materials from the local residents and construction works in the vicinity.
- (b) Sufficient space will be provided for vehicles to manoeuvre within and entering/leaving the Site in order to ensure no queuing and/or turning outside the Site. Also, the trips generated by the proposed use would be insignificant. The applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP') issued by Environmental Protection Department.
- (c) No public announcement systems, whistle blowing or portable loudspeaker will be allowed at the Site. The applicant will submit and implement drainage proposals should the application be approved. Adverse traffic, environmental and drainage impacts to the surrounding area arising from the proposed use are not anticipated.

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 publishing newspaper notice and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member's 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.

5. Previous Application

There is no previous planning application covering the Site.

6. Similar Applications

There are three similar applications (No. A/YL-KTS/864, 954 and 1042) covering two sites for temporary shop and services within the same “R(D)” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2021 and 2025 mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention; the proposed use was considered not incompatible with the surrounding land uses; relevant government departments consulted in general had no adverse comment on the application and/or their concerns could be addressed by approval conditions; and policy support was given for application No. A/YL-KTS/954 to facilitate relocation of business operation (involving vehicle repair workshop) displaced by government project. Details of the similar applications are summarised in **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) accessible from Kam Shui Road via a local track; and
- (b) currently vacant, largely formed and covered with debris.

7.2 The surrounding areas comprise predominantly open storage/storage yards, residential structures, village settlement of Ng Ka Tsuen, shop and services, animal boarding establishment, cultivated/fallow agricultural land, farm, plant nursery, grassland, vacant land and woodland. To the north of the Site is the Kam Tin River.

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 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, if any, are provided in **Appendices III and IV** respectively.

9.2 The following government department does not support the application:

Environment

Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective according to the revised 'CoP';
- (b) it is noted that the proposed use would involve use of heavy vehicle (i.e. one parking space for medium goods vehicle would be provided within the Site). There are residential dwellings in the vicinity of the Site (i.e. within 100 meters from the boundary of the Site), it is anticipated that the proposed use would cause environmental nuisance to the residential dwellings nearby;
- (c) there was no environmental complaint concerning the Site received in the past three years; and
- (d) advisory comments are in **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 29.11.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from the Aviation Club of Hong Kong, China expressing concern on the height of the proposed use from flight safety perspective and one from an individual objecting to the application mainly on the grounds that majority of the Site involves GL with trees and vegetation, the Site is in close proximity to a river bank, and the Site is not accessible for a retail store (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (retail shop for hardware groceries and construction materials) with ancillary facilities for a period of five years at the Site zoned "R(D)" (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the "R(D)" zone, the applicant claims that the proposed use could meet the demand for hardware groceries and construction materials from the local residents and construction works in the vicinity. There is also no known development programme involving the Site and approval of the application on a temporary basis would not jeopardise the long-term planning intention of the "R(D)" one. Taking into account the planning assessments below, there is no objection to the applied use on a temporary basis for a period of five years.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly open storage/storage yards, residential structures, village settlement of Ng Ka Tsuen, shop and services, animal boarding establishment, cultivated/fallow agricultural land, farm, plant nursery, grassland, vacant land and woodland (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considers that no significant landscape impact arising from the proposed use is anticipated and has no objection to the application from landscape planning perspective.

- 11.3 DEP does not support the application as the proposed use involves the use of heavy vehicle and there are sensitive receivers of residential structures in the vicinity of the Site (**Plan A-2**). Nonetheless, the Site is accessible from the northeast via a local access road connecting to Lam Shui Road without passing through the nearby residential structures (**Plans A-2 and A-3**). Should the application be approved, the applicant will be advised to follow the 'CoP' to minimise the potential environmental nuisance caused by the proposed use on the surrounding areas. Other relevant government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Director-General of Civil Aviation (DG of CA) have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 Three similar applications for temporary shop and services within the same "R(D)" zone in the vicinity of the Site were approved by the Committee in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comment on flight safety as mentioned in paragraph 10 above, DG of CA advises that the maximum level of the proposed structures (i.e. below 10m) is in general compatible with the building heights in the surrounding areas and has no comment on the application. For the other public comment, the departmental comments and planning assessments 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 comments 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 2.5.2030. 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 2.11.2025;
- (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 2.2.2026;
- (c) in relation to (b) above, the implemented drainage facilities 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 2.11.2025;
- (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 2.2.2026;
- (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 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 is also intended for low-rise, low density residential developments subject to planning permission from the Board. No strong planning justification has 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 20.11.2024
Appendix Ia	FI received on 7.1.2025

Appendix Ib	FI received on 5.3.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan with Similar Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**