

RNTPC Paper No. A/YL-KTN/1076A  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 6.6.2025

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

**APPLICATION NO. A/YL-KTN/1076**

- Applicant** : Able Earn Limited represented by R-riches Property Consultants Limited
- Site** : Lots 555 S.A ss.1 (Part), 1435 S.A (Part) and 1451 (Part) in D.D. 109, Kam Tin, Yuen Long, New Territories
- Site Area** : About 1,460m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)  
(Lot 555 S.A ss.1 in D.D. 109)
- Tai Po New Grant No. 4417 for agricultural purpose  
(Lot 1435 S.A in D.D. 109)
- Tai Po New Grant No. 5654 for garden purpose  
(Lot 1451 in D.D. 109)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Village Type Development” (“V”)  
[restricted to maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Public Vehicle Park (Excluding Container Vehicle) with Ancillary Facilities for a Period of Five Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary public vehicle park (excluding container vehicle) with ancillary facilities for a period of five years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “V” zone, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and used for the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves 48 parking spaces for private car and three single-storey structures with heights of about 3m and a total floor

area of about 52m<sup>2</sup> for ancillary guardroom, site office, meter room and washroom. The operation hours will be 24 hours daily including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

- 1.3 The Site is the subject of a previous application (No. A/YL-KTN/719) for the same use submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 22.1.2021 (details in paragraph 5 below) and the planning permission was subsequently revoked on 22.10.2024 due to non-compliance with approval conditions. Compared with the previous application, the current application involves a reduced site area (-952m<sup>2</sup> / -39.5%) and increased number of parking spaces (+6 / +14.3%), number of structures (+2 / +200%) and floor area (+40m<sup>2</sup> / +333.3%).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 19.12.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 27.12.2024\* (**Appendix Ia**)
  - (c) FI received on 10.4.2025# (**Appendix Ib**)
- \* *accepted and exempted from publication and recounting requirements*  
# *accepted but not exempted from publication and recounting requirements*
- 1.5 On 14.2.2025, the Committee 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**, and can be summarised as follows:

- (a) The applied use is intended to provide parking spaces to meet the needs of nearby villagers, business operators and visitors so as to alleviate the illegal parking in the vicinity. The temporary nature of the application will not frustrate the long-term intention of the “V” zone.
- (b) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the applied use will generate infrequent trips. Adverse traffic and environmental impacts are not anticipated.
- (c) In support of the current application, a drainage proposal and a fire service installations (FSIs) proposal have been submitted by the applicant.

## **3. Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is not a ‘current land owner’ but has complied with the requirement 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 notice and sending notice to the Kam Tin

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

#### **4. Background**

The Site is currently not subject to any active planning enforcement action. The Site was previously covered by a planning permission (No. A/YL-KTN/719) for temporary public vehicle park (excluding container vehicle) for a period of five years, which was revoked on 22.10.2024. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

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

The Site is the subject of a previous application (No. A/YL-KTN/719) for the same use submitted by the same applicant as the current application, which was approved with conditions by the Committee in 2021 mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the "V" zone; the applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions. The planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions related to submission and implementation of drainage proposal. Compared with the previous application, the current application involves changes in site area, number of parking spaces, number of structures and floor area as mentioned in paragraph 1.3 above. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

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

There are 12 similar applications, covering seven sites, which involve temporary public vehicle park (including five applications which also involve temporary eating place or shop and services uses; and one renewal for temporary approval granted) within/straddling the "V" zones in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2020 and 2025 on the similar considerations as mentioned in paragraph 5.1 above. The planning permissions under five of these similar applications were subsequently revoked between 2021 and 2024 due to non-compliance with approval conditions. Details of the similar applications are summarised 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) currently hard-paved, fenced-off and used for the applied use without valid planning permission; and
- (b) accessible from Kam Tin Road via a local track.

- 7.2 The surrounding areas are rural in character mainly occupied by village settlements and residential structures, as well as a school, a storage yard and grassland.

## **8. Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. 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 this 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 New Territories Exempted House. 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 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 at **Appendices III** and **IV** respectively.

- 9.2 The following government department supports the application:

### **Traffic**

Comments of the Commissioner for Transport (C for T):

- (a) supports the application from traffic engineering perspective to address the local parking demand; and
- (b) advisory comments are at **Appendix IV**.

## **10. Public Comments Received During Statutory Publication Periods**

On 27.12.2024 and 25.4.2025, the application and FI were published for public inspection. During the statutory public inspection periods, two public comments were received from the same individual objecting to the application mainly on the grounds that the approval conditions under the previous application were not complied with (**Appendix V**).

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

- 11.1 The application is for temporary public vehicle park (excluding container vehicle) with ancillary facilities for a period of five years at the Site zoned “V” (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of

the “V” zone, according to the applicant, it is intended to meet the needs of the villagers, business operators and visitors nearby and C for T supports the application as it could help address the local parking demand. Besides, the District Lands Officer/Yuen Long of Lands Department advises that there is no Small House application approved or under processing within the Site. In this regard, it is considered that approval of the application on a temporary basis for a period of five years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The applied use is considered not incompatible with the surrounding areas which are rural in character mainly occupied by village settlements, residential structures, a school, a storage yard and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the applied use is not anticipated.
- 11.3 Other relevant government departments consulted, including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and Director of Fire Services, who also considers the submitted FSIs proposal acceptable, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the applied use.
- 11.4 The Site is involved in an approved previous application (No. A/YL-KTN/719) for the same use submitted by the same applicant and the planning permission was subsequently revoked due to non-compliance with approval conditions related to submission and implementation of drainage proposal as detailed in paragraph 5 above. In this regard, the applicant has submitted a drainage proposal in support of the current application and CE/MN of DSD has no objection to the application. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 There are 12 approved similar applications involving temporary public vehicle park within/straddling the “V” zones in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

## **12. Planning Department’s View**

- 12.1 Based on the assessments made in paragraph 11 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 6.6.2030. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 6.12.2025;
- (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 6.3.2026;
- (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 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 6.3.2026;
- (e) 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
- (f) if any of the above planning condition (a), (b) 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 intention of the "V" zone which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification 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 19.12.2024
<b>Appendix Ia</b>	FI received on 27.12.2024
<b>Appendix Ib</b>	FI received on 10.4.2025
<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 comments
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
JUNE 2025**