

RNTPC Paper No. A/YL-KTN/1116  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 4.7.2025

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

**APPLICATION NO. A/YL-KTN/1116**

<b><u>Applicant</u></b>	: Mr. TSOI Lai Shun represented by FiBi International Project Consultancy Co. Limited
<b><u>Site</u></b>	: Lot 86 (Part) in D.D. 107, San Tam Road, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 300m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve”)
<b><u>Application</u></b>	: Proposed Temporary Eating Place with Ancillary Facilities for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary eating place with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “OU(Railway Reserve)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved and vacant (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from San Tam Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed use involves a two-storey structure with building height of not more than 7m and a total floor area of about 220m<sup>2</sup> for eating place and ancillary office and washroom. No parking space or loading/unloading space will be provided at the Site. The proposed use will accommodate about 80 visitors and four staff members per day. The proposed operation hours will be between 7 a.m. and 9 p.m. daily including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

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

- (a) Application Form with attachments received on 12.5.2025 (Appendix I)
- (b) Further Information (FI) received on 21.5.2025\* (Appendix Ia)
- (c) FI received on 19.6.2025\* (Appendix Ib)
- (d) FI received on 30.6.2025\* (Appendix Ic)

*\* 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 and FIs at **Appendices I to Ic**, and can be summarised as follows:

- (a) The proposed use is intended to serve the workers in the surrounding areas. It is temporary in nature and will not frustrate the long-term planning intention of the “OU(Railway Reserve)” zone.
- (b) Visitors and staff will access the Site by means of public transport and walking. There is no tree involved at the Site. The proposed use will not induce adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. In support of the application, the applicant has submitted a drainage proposal.

## **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 San 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.

## **5. Previous Application**

There is no previous application covering the Site.

## **6. Similar Applications**

- 6.1 There are two similar applications (No. A/YL-KTN/941 and 1026) covering the same site involving temporary eating place within the same “OU(Railway Reserve)” zone in the vicinity of the Site in the past five years. These

applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 and 2024 respectively mainly on the considerations that the applied use on a temporary basis would not frustrate the long-term planning intention of the “OU(Railway Reserve)” zone; the applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions.

- 6.2 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 fenced-off, hard-paved and vacant; and
- (b) accessible from San Tam Road via a local track.

- 7.2 The surrounding areas are rural in character with an intermix of warehouse/storage yards, residential structures, shop and services and eating place (with valid planning permission), hobby farm, parking of vehicles, grassland and vacant land. To the further west across San Tam Road is San Tin Highway.

## **8. Planning Intention**

The planning intention of the “OU(Railway Reserve)” zone is primarily for railway development. According to the Explanatory Statement of the OZP, the “OU(Railway Reserve)” zone is for the proposed Northern Link (NOL)<sup>1</sup>.

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

All government department 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.

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

On 20.5.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the ground that there is no tree information provided in the application (**Appendix V**).

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<sup>1</sup> The scheme of NOL Main Line has been authorised under the Railways Ordinance on 8.4.2025.

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

- 11.1 The application is for proposed temporary eating place with ancillary facilities for a period of three years at the Site zoned “OU(Railway Reserve)” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “OU(Railway Reserve)” zone, the Chief Engineer/Northern Metropolis Railways Division (1) of Highways Department advises that the Site is located outside the authorised scheme boundary of NOL Main Line and she has no adverse comment on the application. Besides, according to the applicant, the proposed use is intended to serve the workers in the surrounding areas. In this regard, it is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “OU(Railway Reserve)” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.
- 11.2 The Site is currently vacant without any tree. The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of warehouse/storage yards, residential structures, shop and services and eating place, hobby farm, parking of vehicles, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant landscape impact arising from the proposed use is 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), Director of Fire Services and Director of Food and Environmental Hygiene, 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 proposed use.
- 11.4 There are two approved similar applications involving eating place within the same “OU(Railway Reserve)” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comment as mentioned in paragraph 10 above, 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 comment 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 three years until

4.7.2028. 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 4.1.2026;
- (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 4.4.2026;
- (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 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 4.1.2026;
- (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 4.4.2026;
- (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 "OU(Railway Reserve)" zone which is primarily for railway development. 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 12.5.2025
<b>Appendix Ia</b>	FI received on 21.5.2025
<b>Appendix Ib</b>	FI received on 19.6.2025
<b>Appendix Ic</b>	FI received on 30.6.2025
<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>	Public comment
<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  
JULY 2025**