

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

**APPLICATION NO. A/YL-KTN/1121**

<b><u>Applicant</u></b>	: Ms. PO Yuet Mei
<b><u>Site</u></b>	: Lots 926 S.A ss.1 S.D ss.4, 926 S.A ss.1 S.D ss.7, 926 S.A ss.2 S.A and 926 S.A ss.2 RP in D.D. 109, Tai Kong Po, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 310m <sup>2</sup>
<b><u>Lease</u></b>	: Old New Grant for purpose of agriculture
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Shop and Services and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “AGR” 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). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is vacant, partly hard-paved and partly covered by weeds (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Tai Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves two single-storey structures with heights of not more than 5m and a total floor area of about 190m<sup>2</sup> for sales of food and daily necessities and ancillary storage (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 100m<sup>2</sup> (32.3% of the Site) and proposed filling of land for about 208m<sup>2</sup> (67.1% of the Site) with concrete of not more than 0.15m in depth (to a level of 19.3mPD) for site formation and vehicular circulation (**Drawing A-2**). An existing tree within the Site will be retained. One loading/unloading space for light goods vehicle will be provided within the Site. The operation hours will be between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public

holidays. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on 22.5.2025 (**Appendix I**)
- (b) Further Information (FI) received on 3.6.2025\* (**Appendix Ia**)
- (c) FI received on 7.7.2025\* (**Appendix Ib**)

*\* 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 **Ib**, and can be summarised as follows:

- (a) The proposed use can meet the demand of nearby residents and it is compatible with the surrounding areas. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone.
- (b) In support of the application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) Regarding the Lands Department (LandsD)’s concern on lease breaches, the applicant will also take appropriate follow-up actions including submission of Short Term Waiver (STW) application to LandsD upon approval of the current application.

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

The applicant is the sole ‘current land owner’ of the Site. 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 Application**

There is one similar application (No. A/YL-KTN/882) for temporary shop and services within the same “AGR” zone in the vicinity of the Site in the past five years, which was approved with conditions by the Rural and New Town Planning Committee (the

Committee) of the Board in 2023 mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) vacant, partly hard-paved and partly covered by weeds; and
- (b) accessible from Kong Tai Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, parking of vehicles (including a site with valid planning permission), residential structures, hobby farm, farmland, vacant land, grassland and woodland.

## **8. Planning Intention**

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

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

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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 has adverse comments on the application:

### **Land Administration**

Comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD:

- (a) has adverse comments on the application;

- (b) the Site comprises Old New Grant Lots No. 926 S.A ss.1 S.D ss.4, 926 S.A ss.1 S.D ss.7, 926 S.A ss.2 S.A and 926 S.A ss.2 RP all in D.D. 109 for the purpose of agriculture and no structures shall be erected on the lots;
- (c) LandsD has reservation on the application since there are unauthorized structure(s) and use(s) on the private lot(s) which are already subject to lease enforcement actions according to case priority. The lots owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (d) warning letter has been registered in the Land Registry against the lot(s) concerned. If the unauthorized structure(s) was/were removed, the applicant should take appropriate action deemed necessary, including but not limited to applying to his office for the issuance of a Cancellation Letter; and
- (e) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lot(s). The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

9.3 The following government department does not support the application:

**Agriculture and Nature Conservation**

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

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

On 3.6.2025, 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 mainly on the grounds that the proposed use would render the Site permanently unsuitable for agricultural use.

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

- 11.1 The application is for proposed temporary shop and services and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.
- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, parking of vehicles, residential structures, hobby farm, farmland, vacant land, grassland and woodland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), have no objection to or no adverse comment on the application. D of FS also considers the submitted FSIs proposal acceptable. 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. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or use(s) on the concerned lot(s) of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There is one approved similar application within the same “AGR” zone 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 decision.
- 11.6 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

## 12. Planning Department's Views

- 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 18.7.2028. 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 18.1.2026;
- (b) in relation to (a) above, the implementation of the revised 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 18.4.2026;
- (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 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 18.4.2026;
- (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;
- (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; and
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

### 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 with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain

fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 22.5.2025
<b>Appendix Ia</b>	FI received on 3.6.2025
<b>Appendix Ib</b>	FI received on 7.7.2025
<b>Appendix II</b>	Similar application
<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>	Land filling 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**