

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1061

- Applicant** : Dragon Earner Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 401 (Part), 404 (Part), 405 RP (Part), 406 RP, 408 RP (Part), 409 and 410 (Part) in D.D. 106, Pat Heung, Yuen Long, New Territories
- Site Area** : About 1,486m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) *[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]*
- Application** : Proposed Temporary Private Vehicle Park (Freezer Vehicles Only) with Ancillary Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park (freezer vehicles only) with ancillary site office for a period of three years at the application site (the Site), which falls within an area zoned “OU(RU)” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use 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 largely vacant with minor portions being occupied by temporary structures and open storage use (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via a local access (**Plans A-2 and A-3**). According to the applicant, the Site will be used for parking of freezer vehicles only. Nine parking spaces for freezer vehicles (7m x 3.5m) solely for the use of the applicant and his associated operators or sub-tenants will be provided at the Site and will not be opened for the use by general public. The proposed use also involves four single-storey structures (not more than 2.6m in height) with a total floor area of about 60m² for ancillary site office. No car washing, vehicle repairing, inspection, dismantling, paint spraying or other workshop activities will be carried out at the

Site at all times. Sufficient manoeuvring space will also be provided within the Site to avoid vehicles turning back to the local access road. No vehicles exceeding 5.5 tonnes, including container tractors/trailers, or vehicles without valid license issued under the Road Traffic Ordinance, will be allowed to be parked/stored on or enter/exit the Site at all time. Traffic signs will be installed at the ingress/egress of the Site to promote pedestrian safety. The operation hour is 24 hours 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 Supplementary Planning Statement (SPS) and supplementary information received on 3.2.2025 and 6.2.2025 respectively

(b) Further Information (FI) received on 19.5.2025* (**Appendix Ia**)

** accepted but not exempted from publication and recounting requirements*

1.4 On 28.3.2025, the Committee agreed to the applicant's requests to defer making a decision on the application for two months.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I** and **Ia** respectively. They can be summarised as follows:

- (a) The proposed temporary use will not jeopardize the long-term planning intention of the "OU(RU)" zone and will utilise the scarce land resources to support local food supply industry and enhance logistics and supply chain efficiency as the Site is currently vacant and in an accessible location for parking of freezer vehicles.
- (b) The proposed use is not incompatible with the surroundings areas which are characterised by open storage, warehouses, workshops, temporary structures and vacant land. Compared with previously approved applications for open storages and maintenance workshop for freezer vehicles at the Site, the proposed use involves a reduction in site coverage and development intensity, no adverse landscape and visual impacts are anticipated.
- (c) The proposed use is for parking of freezer vehicles only and no leakage of pollutants or contamination of water is anticipated. The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP') issued by the Environmental Protection Department (EPD) and other relevant statutory environmental requirements and practice notes to minimise possible adverse environmental impacts. In support of the current application, the applicant has submitted a drainage proposal. No adverse traffic, sewerage, environmental and drainage impacts will be anticipated.

- (d) The applicant will remove the unauthorized structure(s) within the Site or submit Short Term Waiver (STW) application to rectify the lease breaches upon planning approval was given by the Board.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not the “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” Requirement under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by notifying the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 38) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to any active enforcement action. It was previously subject to planning enforcement case No. E/YL-KTS/512 against parking of vehicles. Compliance Notice for Enforcement Notice was issued on 13.6.2025 upon discontinuation of the unauthorized development (UD).

6. Previous Applications

The Site, in part or in whole, is the subject of ten previous applications (No. A/YL-KTS/136, 204, 220, 298, 333, 371, 427, 485, 558 and 751) submitted by various applicants for different temporary open storage with/without workshop uses (with three of them involving open storage of and maintenance workshop for freezer vehicles) which were all approved with conditions by the Board upon review or by the Committee from 1998 to 2018. Considerations of these applications are irrelevant to the current application due to different uses involved. Details of the applications are summarised in **Appendix III** and the location is shown on **Plan A-1b**.

7. Similar Application

There is no similar application within the same “OU(RU)” zone on the OZP in the past five years.

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

8.1. The Site is:

- (a) accessible from Kam Sheung Road via a local access; and
- (b) fenced off, hard paved and largely vacant with minor portions being occupied by temporary structures and open storage use.

8.2 The surrounding areas comprise predominantly open storage and storage yards, scattered residential structures, car park, vacant land and grassland. A nullah is located to the immediate south of the Site.

9. Planning Intention

The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 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 IV and V** respectively.

10.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lots No. 401, 404, 405 RP, 406 RP, 408 RP, 409 and 410 all in D.D. 106 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) LandsD has reservation on the application since there is/are unauthorised structure(s) on Lot Nos. 405 RP, 406 RP, 408 RP, 409 and 410¹ all in D.D. 106 which are already subject to lease enforcement actions according to

¹ Amongst the mentioned lots, the Site covers only part of 405 RP, 406 RP, part of 408 RP, 409 and part of 410 in D.D. 106 (**Plan A-2**).

case priority. The lots owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;

- (d) 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; and
- (e) advisory clauses are in **Appendix V**.

11 Public Comments Received During Statutory Publication Period

On 11.2.2025 and 30.5.2025, the application and FI were published for public inspection. During the statutory public inspection periods, one public comment was received from an individual objecting the application mainly on the grounds that the proposed use is not in line with the planning intention of the “OU(RU)” zone; the proposed use may cause land contamination which may adversely affect the surrounding recreation and rural uses; the proposed use is not compatible with future residential development in the surrounding; and no enforcement action had been taken on the suspected UD at the Site (**Appendix VI**).

12 Planning Considerations and Assessments

- 12.1 The application is for proposed temporary private vehicle park (freezer vehicles only) with ancillary site office for a period of three years at the Site zoned “OU(RU)” (**Plan A-1**) on the OZP. While the proposed use is not in line with the planning intention of the “OU(RU)” zone, the applicant claims that the proposed use could support local food-supply industry and enhance the logistic and supply chains efficiency. Besides, there is no known development programme involving the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “OU(RU)” zone.
- 12.2 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly open storage and storage yards, scattered residential structures, car park, vacant land, grassland and nullah (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department (PlanD) considers that significant adverse landscape impact on existing landscape resources is not anticipated and has no adverse comment on the application from landscape planning perspective.
- 12.3 Relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage

and fire safety aspects respectively. In light of the above, the application is considered not in conflict with TPB PG-No. 38 in that the proposed use would not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings, nor would it overstrain the capacity of existing and planned infrastructures. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. It is also recommended to advise the applicant to follow the latest 'CoP' issued by EPD in order to minimise the potential environmental nuisance caused by the proposed use on the surrounding areas. Regarding DLO/YL, LandsD's concerns on the unauthorised structure(s) erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to remove the unauthorised structure(s) within the Site or applying for STW to rectify the lease breaches upon planning approval given.

- 12.4 For the public comment mentioned in paragraph 11 above, the departmental comments and planning considerations in paragraphs 12.1 to 12.3 above are relevant.

13 Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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 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 18.1.2026
- (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 18.4.2026;

- (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 V**.

- 13.3 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(RU)" zone which is primarily for the preservation of the character of the rural area and for uses or developments compatible with the rural landscape with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

14 Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15 Attachments

Appendix I	Application Form with SPS and supplementary information received on 3.2.2025 and 6.2.2025
Appendix Ia	FI received on 19.5.2025
Appendix II	Relevant extract of TPB PG-No. 38
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan

Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**