

RNTPC Paper No. A/YL-KTS/1082
For Consideration by the
Rural and New Town
Planning Committee
on 15.8.2025

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1082

- Applicant** : Mr. KOK Yun Kuen represented by KTA Planning Limited
- Site** : Lots 391 RP (Part) and 392 RP in D.D.106, Shek Wu Tong, Kam Tin, Yuen Long, New Territories
- Site Area** : About 3,333m²
- 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 (BH) of 3 storeys (9m)]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Electricity Generators, Compressors and Construction Machinery for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of electricity generators, compressors and construction machinery for a period of three years at the application site (the Site) zoned “OU(RU)” on the OZP (**Plan A-1a**). 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 occupied by the applied use with valid planning permission under application No. A/YL-KTS/933 until 14.10.2025 (**Plans A-2 to A-4b**).
- 1.2 The Site abuts Kam Sheung Road with the egress/ingress at its eastern boundary (**Plans A-2 and A-3**). According to the applicant, the applied use comprises six non-domestic structures of not more than two storeys (not more than 5.4m high) with a total floor area of about 517m² for ancillary offices and shelters for storage with the open-air area be used for circulation and storage purposes. No vehicle washing, repairing, dismantling, car beauty and other workshop activities will be

carried out at the Site. Four private car parking spaces and four loading/unloading spaces for medium/heavy goods vehicle (MGV/HGV) are provided within the Site. Existing trees along the site boundary or scattered within the Site and fence wall of 2.5m high along the site boundary on all sides will be maintained to screen off and minimise potential nuisance to the surrounding areas. Sufficient manoeuvring space will also be provided within the Site and no vehicles will be allowed to queue back to or reverse onto/from public road. No 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. The operation hours are from 7:00 a.m. to 11:00 p.m. on Mondays to Saturdays, with no operation on Sundays and public holidays. The site layout plan and landscape plan submitted by the applicant is at **Drawings A-1 to A-2**.

- 1.3 The Site is the subject of 17 previous applications for similar/same open storage or temporary open storage uses with or without maintenance work (details at paragraph 6 below) (**Plan A-1b**). The last application No. A/YL-KTS/933, submitted by the same applicant as the current application, for the same applied use for a period of three years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 14.10.2022. All time-limited approval conditions have been complied with and the planning permission is valid until 14.10.2025. Compared with the last application, the current application is for the same use at the same site with the same layout and minor increase in the height of structures from 4.8 to 5.4m which reflects the as-built condition.
- 1.4 In support of the application, the applicant has submitted the following documents :
- (a) Application Form with attachments and supplementary (**Appendix I**) information (SI) received on 3.7.2025, 9.7.2025 and 10.7.2025
 - (b) Further Information (FI) received on 6.8.2025* (**Appendix Ia**)

** 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 FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The Site has been used for open storage purpose under the previous applications approved by the Committee since 1995. The Site is well-maintained and all approval conditions of the previous application No. A/YL-KTS/933 have been complied with. The application conforms to the requirements of the relevant Town Planning Board Guidelines. Meanwhile, the applicant is willing to execute and continue to fulfil the existing approval conditions in the future. As there is no change in the planning circumstances since approval of the last application, the current application shall warrant the same favourable consideration.

- (b) There is currently no known proposal for long-term development at the Site. The applied use is temporary in nature and approval of the application will not jeopardize the long-term planning intention of the area zoned “OU(RU)” on the OZP. The approval of the application could also make an optimal use of the Site. The applied use is not incompatible with the surrounding land uses as there are some open storage yard and vehicle parks nearby.
- (c) The applicant has been undertaking the environmental mitigation measures in accordance with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. The applied use will not induce adverse visual, environmental, landscape, drainage and traffic impacts on the surrounding area.

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

The applicant is the sole “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 “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13G), the Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34D) and 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. Relevant extracts of the said Guidelines are attached at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in 17 previous applications for the same or similar open storage or temporary open storage uses with or without maintenance work. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**. Except application No. A/YL-KTS/19 (details at paragraph 6.2 below), all the other 16 applications were approved with conditions by the Committee each for a period of one to three year(s) between 1995 and 2022, mainly on the considerations that the proposed/applied use was generally in line with the respective versions of TPB PG-No. 13 and/or 34 and/or 38; the temporary approval of the applications would not frustrate the long-term planning intention of the Site; the proposed/applied use was not incompatible with the surrounding areas; and the relevant government departments consulted in general had no adverse comment and their concern and/or local objection could be addressed by relevant

approval conditions; and previous approval(s) had been granted and all the approval conditions under the previous approvals had been complied with. As for the last application No. A/YL-KTS/933, all the time-limited approval conditions have been complied with and the planning permission is valid until 14.10.2025. Compared with the last application, the current application submitted by the same applicant is for the same use at the same site with the same layout and minor increase in height of structures as set out in paragraph 1.3 above.

- 6.2 Application No. A/YL-KTS/19 for open storage and maintenance of electricity generator and compressor on a permanent basis was rejected by the Board upon review in June 1995 mainly on the grounds that the application was not in line with the respective version of TPB PG-No. 13; the development was incompatible with the surrounding area; there was insufficient information in the submission to demonstrate that the development would not cause adverse traffic and visual impacts on the surrounding areas; the development might frustrate the planning of the alignment of the then Western Corridor Railway at that time.

7. Similar Applications

There are five similar applications covering four sites (No. A/YL-KTS/865, 872, 924, 958 and 1072) for similar temporary open storage uses each for a period of three years within the subject “OU(RU)” zone in the vicinity of the Site in the past five years. All the applications were approved by the Committee mainly on the similar considerations as mentioned in paragraph 6.1 above. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site:

- (a) abuts Kam Sheung Road with the egress/ingress at its eastern boundary; and
- (b) is currently occupied by the applied use with valid planning permission under application No. A/YL-KTS/933 until 14.10.2025.

- 8.2 The surrounding areas are rural in character predominated by open storage and storage yards, parking of vehicles, site office, a woodland and vacant land in the north within the same “OU(RU)” zone, and village settlements of Shek Wu Tong and Tin Sum San Tsuen with village houses, parking of vehicles, open storage, eating places, shop and services as well as grassland and vacant land within the “Village Type Development” (“V”) zone in the south across a local road and Kam Sheung Road.

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 does not support the application:

Environment

10.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) as there are residential buildings within 100m from the Site (**Plan A-2**) and the proposed use involves the use of heavy vehicles, and environmental nuisance is anticipated;
- (b) there was no substantiated environmental complaint received against the Site in the past three years; and
- (c) advisory comments are in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 11.7.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Aviation Club of Hong Kong China expressing concern on the height of the applied use from flight safety perspective, given the close proximity of the Site to the Shek Kong Runway.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary open storage of electricity generators, compressors and construction machinery for a period of three years at the Site zoned “OU(RU)” (**Plan A-1a**). Whilst the applied use is not in line with the planning intention of the “OU(RU)” zone, there is currently no known programme for long-term development at the Site and approval of the application on a temporary basis will not frustrate the long-term planning intention of the “OU(RU)” zone. Taking into account the above and the planning assessments

below, there is no objection to the applied use on a temporary basis for a further period of three years.

- 12.2 The applied use is considered not incompatible with the surrounding areas of the Site which are rural in character predominated by open storage and storage yards, parking of vehicles, site office, a woodland and vacant land in the north within the same “OU(RU)” zone, and the village settlements of Shek Wu Tong and Tin Sum San Tsuen with village houses, parking of vehicles, open storage, eating places, shop and services as well as grassland and vacant land within the “V” zone in the south across a local road and Kam Sheung Road (**Plan A-2**). To screen off the applied use and minimise potential nuisance to the surrounding areas, the applicant will maintain the existing tree planting along the site boundary or scattered within the Site and fence wall of 2.5m high along the site boundary on all sides. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant adverse landscape impacts arising from the applied use is not anticipated and she has no adverse comment on the application from landscape planning perspective.
- 12.3 The Site falls within Category 3 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that previous approvals for similar or the same temporary open storage uses with or without maintenance work had been granted to the Site between 1995 and 2022 (**Plan A-1b and Appendix III**); all the approval conditions under the last previous application No. A/YL-KTS/933 had been complied with; and the relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services, Director-General of Civil Aviation (DG of CA) and the Commissioner for Transport have no adverse comment on or no objection to the application. DEP does not support the application as the applied use involves the use of heavy vehicle and there are sensitive receivers of residential structures in the vicinity of the Site (**Plan A-2**). In this regard, as mentioned above, the applicant will maintain the existing tree planting within the Site and fence wall along the site boundary to minimise potential nuisance to the surrounding areas, and as the ingress/egress of the Site fronts directly on Kam Sheung Road, the vehicular traffic to and from the Site will not pass through the nearby domestic structures. Besides, there was no substantiated environmental complaint received against the Site in the past three years. Should the application be approved, the applicant will be advised to follow the COP to minimise any potential environmental nuisance caused by the applied use on the surrounding areas and the relevant statutory environmental requirement and practice notes. In light of the above, the application is also considered not in conflict with TPB PG-No. 38 in that the applied 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 infrastructure. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.4 The application is in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all the approval conditions under the previous approval have been satisfactorily complied

with; and the three-year approval period sought which is the same timeframe as the previous approval is reasonable.

- 12.5 Given the 16 approved previous applications for the same or similar temporary open storage uses at the Site and five approved similar applications within the same “OU (RU)” zone in the vicinity of the Site in the past five years as detailed in paragraphs 6 and 7 above, approving the current application is in line with the previous decisions of the Committee.
- 12.6 For the public comment mentioned in paragraph 11 above, DG of CA advises that the maximum level of the structures of the applied use (i.e. not more than two storeys with a height below 5.4m) is in general compatible with the BHs in the surrounding areas and will not exceed the Airport Height Restriction as prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301).

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 and be renewed from 15.10.2025 until 14.10.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **15.1.2026**;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) if the above planning condition (a) 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.
- (d) if the above planning condition (b) 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.

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 applied 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. 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. There is no strong planning justification 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 attachments and SI received on 3.7.2025, 9.7.2025 and 10.7.2025
Appendix Ia	FI received on 6.8.2025
Appendix II	Relevant extract of TPB PG-No. 13G, 34D and 38
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**