

RNTPC Paper No. A/KTN/107A
For Consideration by the
Rural and New Town
Planning Committee
on 21.11.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/KTN/107

Applicant : 滙弘有限公司

Site : Lot 679 RP in D.D. 92, Castle Peak Road, Kwu Tung North, New Territories

Site Area : About 708 m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/4

Zoning : “Agriculture” (“AGR”)

Application : Temporary Shop and Services with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services with ancillary facilities 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). The Site is currently hard-paved, partially fenced-off and occupied with temporary structures and storage items in relation to the applied use without valid planning permission (**Plans A-4a to A-4b**).
- 1.2 The Site is accessible from Castle Peak Road – Kwu Tung (**Plans A-1 to A-3**)¹. According to the applicant, the applied use involves two structures, including one single-storey structure of 5m high and one two-storey structure with 6m high, with a total floor area of about 442m² for a shop for sales of paper products and an

¹ The vehicular access connecting the Site and Castle Peak Road – Kwu Tung falls within the Civil Engineering and Development Department (CEDD)’s works area for the widening of Fanling Highway and re-alignment of Castle Peak Road – Kwu Tung. A temporary vehicular access to the Site would be provided by CEDD until completion of works in 2030, which is beyond the period applied for under the subject planning application (i.e. 21.11.2028).

ancillary office with toilet (**Drawing A-1**). No workshop activities will be conducted and no public announcement system or loudspeaker will be used at the Site at all times. Two private car parking spaces will be provided on site. Two staff will be deployed to direct incoming/outgoing vehicles to minimise impact on public road, and enhance pedestrian safety. No vehicle will be allowed to queue back to or reverse onto/from the Site to the public road. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The 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 Information (Appendix I)
received on 19.6.2025 and 2.7.2025
- (b) Further Information (FI) received on 2.10.2025* (Appendix Ia)
**accepted and exempted from publication and recounting requirements*

1.4 On 15.8.2025, the Rural and New Town Planning Committee (the Committee) of the Board 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 FI at **Appendices I to Ia**, and can be summarised as follows:

- (a) The applied use is temporary in nature. Should the Site be identified by the Government for other development, the applied use will be terminated and hence will not jeopardise the long-term development of the area.
- (b) The shop serves the catering industry and sells paper products, including disposable cutlery, paper straws, paper lunchboxes. The applied use will not result in adverse traffic impact on the surrounding road network as the vehicular trips generated/attracted by the applied use are expected to be minimal. Clients and staff would only reach the Site by private cars. The applicant will carry out traffic management measures by deploying two staff to direct incoming/outgoing vehicles. In support of the application, the applicant has submitted a swept path analysis.
- (c) The Site will be managed by professional management agent to take care of waste collection and conduct regular spraying of mosquito repellent. Regular desludging will be conducted to collect the sewage generated from the temporary toilet, which will not be released to drains at the Site hence no adverse environmental impact to the surrounding areas will be caused by the applied use.
- (d) As vehicular access connecting the Site and Castle Peak Road – Kwu Tung falls within the CEDD's works area, the applicant has liaised with CEDD and

confirmed that a temporary vehicular access to the Site would be provided by CEDD's contractor until completion of works in 2030.

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

- 4.1 The Site was filled before the incorporation of land filling control to the Notes for the "AGR" zone on the draft Kwu Tung North OZP No. S/NE-KTN/6 gazetted on 1.4.2005.
- 4.2 The Site falls within the Kwu Tung North New Development Area (KTN NDA). While the Site does not form part of the development area of the NDA, the access road to it falls within the boundary of a road works project under PWP Item No. 7828CL - Remaining Phase of Site Formation and Engineering Infrastructure Works at KTN/Fanling North (FLN) NDA (Road Works) (PWP Item No. 7828CL).
- 4.3 The Site is not subject to any planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is one similar application (No. A/KTN/85) for temporary shop and services (convenience store, selling of construction materials and showroom for koi) and office within the same "AGR" zone² in the vicinity of the Site in the past five years, which was approved with conditions by the Committee on 29.7.2022 mainly on the considerations that the applied use on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone; the applied use was not incompatible with the surrounding areas; and relevant government departments consulted in general had no adverse comments and/or their concerns could be addressed by approval conditions. Details of the similar application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

² The application site of application No. A/KTN/85 falls within an area mainly zoned "AGR" (about 83.7%) with a portion in "Other Specified Uses" annotated "Amenity Area" zone (about 16.3%).

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

7.1 The Site is:

- (a) accessible from Castle Peak Road – Kwu Tung via a temporary vehicular access provided by CEDD; and
- (b) currently hard-paved, partially fenced-off and occupied by temporary structures and storage items in relation to the applied use without valid planning permission.

7.2 The surrounding areas are rural in nature predominated by open storage yards, workshops, parking of vehicles, residential dwellings, fallow agricultural land and vacant land. To the immediate south is the works area of CEDD for the widening of Fanling Highway and re-alignment of Castle Peak Road – Kwu Tung. The village settlement of Yin Kong within the “Village Type Development” zone is located to the further north of the Site.

8. Planning Intention

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.

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 Clause, if any, are provided in **Appendices III** and **IV** respectively.

9.2 The following government departments have specific comments on the application.

9.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) no objection to the application;
- (b) the Site comprises Old Schedule Agricultural Lot 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. The proposed ingress/egress of the Site is required to pass through Government land (GL) but no right of access via GL is granted to the Site;

- (c) the private lot is covered by Short Term Waiver No. 783 issued for the purpose of a sand brick factory and a shop for selling sand bricks but had been cancelled due to the implementation of the Remaining Phase Development of KTN/FLN NDA;
- (d) the vehicular access to the Site is within the boundary of the project for PWP Item No. 7828CL; and
- (e) his advisory comments are at **Appendix IV**

9.2.2 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

- (a) no objection to the application; and
- (b) the vehicular access of the Site falls within the boundary of the project for PWP Item No. 7828CL which is anticipated to be completed in 2030. During construction period, a temporary vehicular access could be provided for the Site, subject to applicant's liaison with CEDD's contractor; and
- (c) his advisory comments are at **Appendix IV**.

9.3 The following government department has adverse comments on the application:

Agriculture and Nature Conservation

9.3.1 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 with some structures. 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 adverse comment on the planning application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 4.7.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from a North District Council Member indicating no comment on the application and one from an individual objecting to the application mainly on the grounds that the

existing operation at the Site has been carried out without planning approval and the agricultural activities and natural environment in the surrounding should be protected (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services with ancillary facilities for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the applicant claims that the applied use would serve the catering industry. Taking into account the planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 11.2 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage yards, workshops, parking of vehicles, residential dwellings, fallow agricultural land and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and advises that the applied use is considered not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied use is not anticipated. As the Site is zoned “AGR”, an approval condition requiring 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 Regarding the Site’s vehicular access which falls within the boundary of the road works project under PWP Item No. 7828CL, PM/N, CEDD advised that subject to liaison between the applicant and the CEDD’s contractor, an temporary vehicular access connecting the Site with Castle Peak Road – Kwu Tung would be provided by CEDD until 2030. Both PM/N, CEDD and DLO/N, LandsD have no adverse comments on the application. Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department, Director of Environmental Protection and Director of Fire Services, 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 on the surrounding areas.
- 11.4 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.

- 11.5 Regarding the public comments 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 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 three years until 21.11.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) 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 21.5.2026;
- (b) in relation to (a) above, 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 21.8.2026;
- (c) the submission of a 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 21.5.2026;
- (d) in relation to (c) above, the implementation of the accepted 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 21.8.2026;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) if the above planning condition (e) 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;
- (g) if any of the above planning condition (a), (b), (c) 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
- (h) upon the expiry of the planning permission, the reinstatement of the site, including the removal of hard paving, and grassing 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 applied use 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 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 the 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

Appendix I	Application Form with Supplementary Information received on 19.6.2025 and 2.7.2025
Appendix Ia	FI received on 2.10.2025
Appendix II	Similar Application
Appendix III	Government departments' general comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos