

RNTPC Paper No. A/YL-KTS/1100
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/YL-KTS/1100

- Applicant** : Promise Luck Limited represented by PlanPlus Consultancy Limited
- Site** : Lots 339 S.A, 339 S.B (Part) and 339 RP (Part) in D.D. 109, Kam Tin South, New Territories
- Site Area** : About 540m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Shop and Services for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP for “V” zone, ‘Shop and Services’ other than the ground floor of a New Territories Exempted House (NTEH) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via a local access (**Plans A-1 to A-3**). According to the applicant, the applied use is for a real estate agency and a grocery store to serve the local community. The applied use involves five single-storey structures (not more than 3m in height) with a total floor area of about 181.6m², including three for shop, storage and car parking spaces with canopy covers, a toilet and a container for ancillary office. Three parking spaces for private car (with canopy cover) and one loading/unloading space for light goods vehicle (LGV) are provided within the Site for staff and operational needs. No vehicle washing, repairing, dismantling, car beauty, storage and other workshop activities are allowed at the Site at all times. No medium or heavy goods vehicle exceeding

5.5 tonnes, including container vehicles/tractors, and no vehicle without valid licence issued under the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at all times. Sufficient manoeuvring space is provided within the Site to ensure that no vehicle will turn back onto the local access. The operation hours are between 9:00 a.m. and 9:00 p.m. daily (including Sundays and public holidays). The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in two previous applications (No. A/YL-KTS/863 and 927) for similar temporary shop and services approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of three years in 2021 and 2022 respectively (details in paragraph 5 below) (**Plan A-1**). Compared with the last application No. A/YL-KTS/927, the current application is submitted by the same applicant for the same use at the same site with changes in development parameters and layout, i.e. increase in gross floor area (GFA) from about 168.6m² to 181.6 m², (+13m²/+7.7%), site coverage from about 31% to 33.6% (+2.6%) and number of structures from 4 to 5 (+1 structure/+20%), which reflect the current layout of the Site.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary planning (**Appendix I**) statement (SPS) and Supplementary Information (SI) received on 30.9.2025 and 3.10.2025
 - (b) Further Information (FI) received on 12.11.2025* (**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) Temporary approval of the application will not jeopardize the long-term planning intention of the “V” zone.
- (b) The applied use is intended to serve the local community and is considered compatible with the surrounding environment due to its operational nature and small development scale.
- (c) There are similar applications for temporary shop and service uses within the “V” zones. Approval of this application is in line with the Board’s previous decisions and would not set an undesirable precedent within the “V” zone.
- (d) Compared to the last approved application No. A/YL-KTS/927, there are no changes in the nature and operation of the applied use. The applied use will not induce adverse technical impacts to the surrounding areas.

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

The applicant is not a ‘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 posting notice at the Site and sending notice to Kam 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 enforcement action.

5. Previous Applications

The Site is involved in two previous applications (No. A/YL-KTS/863 and 927) for temporary shop and services use. Both applications were approved with conditions by the Committee each for a period of three years in 2021 and 2022 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted in general had no adverse comment or their concerns and local objection could be addressed by relevant approval conditions. Planning permission under application No. A/YL-KTS/863 was subsequently revoked on 22.10.2021 due to non-compliance with the time-limited approval conditions. All approval conditions under the last approved application No./YL-KTS/927 were complied with and the planning permission lapsed on 11.11.2025. Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with changes in development parameters and layout as mentioned in paragraph 1.3 above. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are six similar applications involving two sites (No. A/YL-KTS/884, 903, 904, 914, 974 and 1024) for temporary shop and services use with/without eating place for a period of three/five years within the same/adjacent “V” zones 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 5 above. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1. The Site is:

- (a) accessible from Kam Sheung Road via a local access; and

- (b) currently hard-paved and occupied by the applied use without valid planning permission.

7.2. The surrounding areas are rural in character comprising predominantly village settlements, shops and services (including two with valid planning permissions under applications No. A/YL-KTS/972 and 1024), parking of vehicles, storage use, grassland and vacant land.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1. Apart from the government department as set out in paragraph 9.2 below, other government 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 III** and **IV** respectively.

9.2. The following government department objects to the application:

Land Administration

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

- (a) unless and until the unauthorised structure(s) and the unlawful occupation of the Government land are duly rectified by the lot owner(s)/applicant, his office objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots 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;

Unauthorised structure(s) within the said private lot(s) covered by the planning application

- (c) LandsD has reservation on the planning application since there is/are unauthorised structure(s) and use(s) on Lot Nos. 339 S.A and 339 S.B both in D.D.109 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;

Unlawful occupation of Government land not covered by the planning application

- (d) The Government land adjoining Lot Nos. 339 S.A and 339 S.B both in D.D.109 has been fenced off/unlawfully occupied with unauthorised structure(s) without permission. The Government land being illegally occupied is not included in the application. Any occupation of Government land without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of government land without further notice;
- (e) the lot owner(s)/applicant shall remove the unauthorised structure(s) and cease the unlawful occupation of the Government land not covered by the subject planning application immediately, and subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for an STW to permit the structure(s) erected. 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 to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of Government land;
- (f) there is currently one small house (SH) application under processing at the Site; and
- (g) advisory comments are in **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 10.10.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services for a period of three years at the Site zoned “V” (**Plan A-1**). Whilst the applied use is not entirely in line with the planning intention of the “V” zone, the applicant stated that the applied use would provide shop and services (including a real estate agency and a grocery store) to serve the local community. While the District Lands Officer/Yuen Long of Lands Department advises that there is one SH application under processing at the Site, the applied use of temporary nature would not adversely affect the land availability for NTEH/SH within the “V” zone in the long term. Nevertheless, the applicant will be advised that the applied use should be terminated upon approval of SH application at the Site at any time during the planning approval period should the Committee approve the application. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis for a period of three years.
- 11.2 The applied use is considered not incompatible with the surrounding areas which are rural in character comprising predominantly village settlements, shop and services, parking of vehicles, storage use, grassland and vacant land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant landscape impact arising from the applied use is anticipated.
- 11.3 Other relevant government departments consulted including the Commissioner for Transport, Director of Environmental Protection, the Chief Engineer/Mainland North of Drainage Services Department 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” issued by the Environmental Protection Department to minimise any potential environmental nuisance caused by the applied use on the surrounding areas. Regarding DLO/YL, LandsD’s concerns on the unauthorised structures erected within/outside the Site, the applicant has committed to apply for STW to rectify the lease breaches and remove unauthorized structures not covered by the Site upon planning approval given. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are two approved previous applications for shop and services use at the Site and six approved similar applications within the same and adjacent “V” zones in the vicinity of the Site in the past five years as detailed in paragraph 5 and 6 above. Approving the current application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 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 existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.2.2026;
- (c) 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;
- (d) in relation to (c) 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 21.8.2026;
- (e) if the above planning condition (a) 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;
- (f) if any of the above planning conditions (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.

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 "V" zone, which is to provide land primarily for development of Small Houses by indigenous villagers. There is no strong 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 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, SPS and SI received on 30.9.2025 and 3.10.2025
Appendix Ia	FI received on 12.11.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**