

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1185

<u>Applicant</u>	: Wing Ho Yuen Landscaping Company Limited represented by R-riches Planning Limited
<u>Site</u>	: Lots 84 (Part), 85 S.A RP (Part), 85 S.C (Part), 86 RP (Part) and 113 (Part) in D.D. 110, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 3,565m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Site Office and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary site office 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 currently fenced-off, partly hard-paved and erected with some temporary structures for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Po Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied use involves eight single-storey structures with height of not more than 4.5m and a total floor area of about 332m² for site office, meeting room, greenhouse, covered parking spaces, ancillary storage, resting room, toilet and guardroom (**Drawing A-1**). The uncovered area is mainly designated for vehicular access and permitted agricultural use of plant nursery and farmland (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 851m² (23.9% of the Site) with concrete of not more than 0.2m in depth (to levels of not more than 7.3mPD) for site formation and vehicular circulation (**Drawing A-2**). No storage of dangerous goods, open storage, dismantling, maintenance, recycling, cleansing, paint spraying or other workshop

activities will be involved at the Site at all times. Three existing trees within the Site will be retained in situ. Four parking spaces for private car and one loading/unloading space for light goods vehicle are provided within the Site. The operation hours are 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 The Site is the subject of three previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/974 for the same use submitted by the same applicant which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024, and the planning permission was subsequently revoked in 2025 due to non-compliance with approval condition. Compared with the last application, the current application remains unchanged in terms of site area/boundary, layout and development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 10.11.2025 (**Appendix I**) and 14.11.2025
 - (b) Further Information (FI) received on 15.12.2025* (**Appendix Ia**)
 - (c) FI received on 22.12.2025* (**Appendix Ib**)
 - (d) FI received on 24.12.2025* (**Appendix Ic**)
- * 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 **Ic**, and can be summarised as follows:

- (a) The applied use is for a local landscaping company which provides landscaping, horticultural and arboricultural services in Kam Tin, and it serves the operations and projects both within and outside the Site. The majority portion of the Site is used for permitted agricultural activities (plant nursery and farmland). The applied use is not incompatible with the surrounding areas and the temporary nature of the applied use will not frustrate the long-term planning intention of the “AGR” zone. The applied filling of land is necessary to meet the operational needs.
- (b) The Site is the subject of two previous applications for the same use submitted by the same applicant, and the planning permissions were revoked due to non-compliance with approval condition related to implementation of drainage proposal. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the applied use will generate infrequent trips. Adverse impacts are not anticipated.

- (d) Regarding the Lands Department (LandsD)'s concerns on lease breaches, the applicant will take appropriate follow-up actions including submission of Short Term Waiver application upon approval of the current application.

3. Compliance with the 'Owner's Consent/Notification' Requirements

The applicant is not a 'current land owner' but has complied with the requirement as set out in the Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification' Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to the Pat Heung Rural Committee. 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. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/YL-KTN/552, 760 and 974). Application No. A/YL-KTN/552 for temporary open storage was rejected by the Committee in 2017, and its considerations are not relevant to the current application due to different use involved.
- 5.2 Applications No. A/YL-KTN/760 and 974 for the same use submitted by the same applicant as the current application were approved with conditions by the Committee in 2021 and 2024 respectively, mainly on the considerations that the applied use on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone or could be tolerated; the applied use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or their concerns and public comment(s) could be addressed by approval conditions. The planning permissions under these applications were subsequently revoked in 2023 and 2025 respectively both due to non-compliance with approval condition related to implementation of drainage proposal. Compared with the last application No. A/YL-KTN/974, the proposal of current application remains unchanged as mentioned in paragraph 1.3 above. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application within the same "AGR" zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) currently fenced-off, partly hard-paved and erected with some temporary structures for the applied use without valid planning permission; and
- (b) accessible from Kong Po Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses (including a site with valid planning permission), vehicle repair workshops, animal boarding establishment, vacant land, grassland, scattered residential structures and woodland. To the northwest and south of the Site are nullah and Kam Tin North River respectively.

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 paragraph 9.2 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 at **Appendices III** and **IV** respectively.

9.2 The following government departments have adverse comments on or do not support the application:

Land Administration

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

- (a) has adverse comments on 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;

- (c) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or use(s) on Lots No. 84, 85 S.A RP, 85 S.C, 86 RP all in D.D. 110 covered by the application which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

9.2.2 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 occupied by some structures. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. 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 18.11.2025, 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 approval condition on drainage facilities under the previous application was not complied with (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary site office and associated filling of land 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, according to the applicant, the applied use is for providing landscaping, horticultural and arboricultural services in Kam Tin and the majority portion of the Site is also used for permitted agricultural activities (plant nursery and farmland). Taking into account the above and the planning assessments below, there is no objection to the applied 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, Drainage Services

Department (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from 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 applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouses, vehicle repair workshops, animal boarding establishment, vacant land, grassland, scattered residential structures 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 and considers that the applied use is not incompatible with the surrounding landscape character and significant adverse landscape impact arising from the applied use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services who considers the submitted FSIs proposal acceptable, 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. Regarding DLO/YL, LandsD’s concerns on the unauthorized structure(s) and/or use(s) on the concerned lots of the Site, the applicant will be advised to liaise with LandsD on these land administration matters.
- 11.5 The Site is the subject of two approved previous applications (No. A/YL-KTN/760 and 974) for the same use submitted by the same applicant as detailed in paragraph 5.2 above. Both planning permissions were revoked due to non-compliance with approval condition related to implementation of drainage proposal. In support of the current application, the applicant has submitted drainage proposal which is considered acceptable by CE/MN, DSD. In this regard, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application.
- 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 9.1.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 9.10.2026;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 9.10.2026;
- (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;
- (e) if any of the above planning condition (a) or (c) 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
- (f) 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 applied 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 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 with attachments received on 10.11.2025 and 14.11.2025
Appendix Ia	FI received on 15.12.2025
Appendix Ib	FI received on 22.12.2025
Appendix Ic	FI received on 24.12.2025
Appendix II	Previous applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JANUARY 2026**