

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1109

- Applicant** : Ko Mei Wai Kee Plastic Material Company Limited represented by LCH Planning & Development Consultants Limited
- Site** : Lot 1176 in D.D. 113, Pat Heung, Kam Tin South, Yuen Long, New Territories
- Site Area** : About 844m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Public Utility Installation (Solar Photovoltaic System) and Associated Filling of Land for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary public utility installation (PUI) (solar photovoltaic (SPV) system) and associated filling of land for a period of five years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “AGR” zone, ‘Public Utility Installation’, which is a Column 2 use, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, vacant and partially covered by weeds (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local track leading from Yuen Tai Road connecting with Pat Heung Road (**Plans A-1 and A-3**). According to the applicant, the proposed installation involves a total of 36 solar panels (about 5m (L) x 2.5m (W) x 0.35m (H) each) mounted on supporting frames of about 1.5m in height, and two single-storey structures with a height not more than 2m and a total floor area of about 23m² for an E&M facility and an electric metre room (**Drawing A-1**). The applicant has applied to participate in the ‘Renewable Energy Feed-in Tariff Scheme’ (the FiT Scheme) and a Network Reinforcement Condition Letter was received from CLP Power Hong Kong Limited (CLP) to confirm the preliminary technical feasibility of the proposal

(Appendix I). The SPV system at the Site will be connected to CLP's existing network and the generation capacity of the proposed installation is 170kW. No parking and loading/unloading space will be provided within the Site. The existing metal fencing of 2m in height currently erected along the boundary of the Site will be maintained and painted green to provide visual screening. An existing tree within the Site will be preserved. The applicant also applies for filling of land for about 23m² (about 2.7% of the Site) with concrete of about 0.6m in depth (to a level of about +21.5mPD) for site formation of the proposed structures (**Drawing A-2**).

1.3 In support of the application, the applicant has submitted the following documents:

(a) Application Form with attachments received on (**Appendix I**)
2.12.2025

(b) Further Information (FI) received on 15.1.2026* (**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**, and can be summarised as follows:

- (a) There are currently no renewable energy (RE) sources near the Site despite the presence of village clusters and workshops in the area. The proposed installation could support local domestic energy needs.
- (b) The proposed installation is in line with the government policy of urban-rural integration and the promotion of RE supply. It also complies with the 'Assessment Criteria for Considering Applications for Solar Photovoltaic System made under Section 16 of the Town Planning Ordinance' promulgated by the Board on 7.10.2022 (the Assessment Criteria).
- (c) The proposed installation is temporary in nature and will not frustrate the long-term planning intention of the "AGR" zone and is compatible with the surrounding areas.
- (d) The proposed land filling has been kept minimum for site formation of structures thus agricultural activities can be resumed at the Site anytime. The applicant undertakes to reinstate the Site upon expiry of the planning permission.
- (e) There are similar applications for SPV system in New Territories approved by the Rural and New Town Planning Committee (the Committee) of the Board.
- (f) The proposed installation will not result in adverse visual, landscape, traffic, and environmental impacts to the surrounding areas. The existing metal fencing along the site boundary will be maintained and painted green to provide

visual screening with a view to minimising potential nuisance to the surrounding areas. 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.

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. Assessment Criteria for Considering Applications for Solar Photovoltaic System

The Assessment Criteria first promulgated on 21.7.2020 is relevant to the application. The latest set of Assessment Criteria which was promulgated on 7.10.2022 are detailed at **Appendix II**.

5. Background

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

The Fit Scheme

5.2 The FiT Scheme is an initiative introduced by the Government under the post-2018 Scheme of Control Agreements with the two power companies for promoting the development of distributed RE. It aims to encourage the private sector to consider investing in RE as the power generated could be sold to the power companies at a rate higher than the normal electricity tariff to help recover the costs of investment in the RE systems and generation.

5.3 Any non-governmental bodies or individuals, who as customers of the relevant power company plan to install distributed RE systems at their premises in the respective power company’s supply area, are eligible for prescribed FiT rates from that power company as long as they have been connected to the latter’s grid. To join the FiT Scheme, an applicant may make submission to the relevant power company direct with the required documents including the preliminary layout diagram and other information of the proposed RE system. After meeting the requirements specified by the power company on technical assessment, system test and installation works, the power company will proceed to install a smart meter in the applicant’s premises to facilitate connecting the proposed RE system to the power grid. The successful applicant would be offered the FiT rate throughout the project life of the renewable energy system until end-2033. The applicant shall ensure that the design, installation, operation and maintenance of the RE system comply with the applicable laws, guidelines and safety and technical guidelines.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Application

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

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

8.1 The Site is:

- (a) accessible via a local track leading from Yuen Tai Road connecting with Pat Heung Road; and
- (b) fenced-off, vacant and partially covered by weeds.

8.2 The surrounding areas are predominated by scattered residential dwellings, a low-rise residential development named Carpi Villa (嘉碧峰), active farmland, plant nurseries, brownfield operations (including parking of vehicles open storage and storage yards and a workshop without valid planning permission), grass land and vacant land. An existing water main is running along the western and southern boundaries of the Site (**Plan A-2**).

9. Planning Intention

9.1 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.

9.2 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.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau/department as set out in paragraphs 10.2 and 10.3 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 Clauses, if any, are provided in **Appendices III and IV** respectively.

10.2 The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) the Government has set net-zero electricity generation as one of the major decarbonisation strategies in the Hong Kong's Climate Action Plan 2050 promulgated in October 2021. To achieve the long-term carbon neutrality target before 2050, zero-carbon electricity supply through RE development are needed to be increased as far as possible;
- (b) the policy is for the Government to take the lead in developing renewable energy at various buildings and facilities where technically and financially feasible, and to create conditions that are conducive to community participation. For the private sector, the Government and the power companies have introduced the FiT Scheme, providing financial incentives which can encourage the private sector to invest in distributed RE. The Government has also introduced a series of measures to facilitate and support members of the public in developing RE;
- (c) he supports the development of RE systems, including systems such as the one proposed under the application in the subject "AGR" zone involving the installation of 36 solar panels with a capacity of approximately 170kW, which is sufficient to fulfil the annual electricity demand of about 51 households. The application, if approved, could make good use of the land for solar energy generation while achieving the carbon neutrality target; and
- (d) advisory comments are at **Appendix IV**.

10.3 The following government department does not support the application:

Agriculture and Nature Conservation

10.3.1 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. The agricultural activities in the vicinity are active, 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 and plant nurseries; and

- (c) no comment on the application from nature conservation perspective.

11. Public Comments Received During Statutory Publication Period

On 9.12.2025, the application was published for public inspection. During the statutory public inspection period, 22 public comments were received from the Kadoorie Farm & Botanic Garden Corporation, an individual and 20 villagers of Tai Wo Tsuen (in a form of standard letter) objecting to the application mainly on the grounds that the proposed installation is not in line with the planning intention of the “AGR” zone; there are active agricultural activities in the vicinity of the Site, and the proposed installation would cause noise, traffic, drainage and safety impacts to the nearby residents. There are also concerns about the effectiveness of the small-scale SPV system as proposed under the application in contributing to Hong Kong’s energy supply (**Appendix V**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary PUI (SPV system) and associated filling of land for a period of five years at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed installation 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 proposed installation only involves temporary and removable devices and land filling of only about 23m² (2.7% of the Site) for site formation of two proposed structures, and hence, agricultural activities can be resumed at the Site anytime. The proposed installation will be connected to the CLP network via the FiT Scheme, which is jointly introduced by the Government and the two power companies for the private sector to invest in the RE until end of 2033. In this regard, SEE supports the application for RE systems and considers that approval of the application could make good use of the land for solar energy generation while achieving the carbon neutrality target. Taking into account the above and the assessments below, there is no objection to the proposed installation on a temporary basis for a period of five years.
- 12.2 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 of Drainage Services Department 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.
- 12.3 The proposed installation, involving 36 solar panels mounted on supporting frames with a height of about 1.5m as well as an E&M facility and an electric metre room with a height of not more than 2m and a total floor area of about

23m², is considered not incompatible with the surrounding areas which comprises mainly low-rise residential development, scattered residential dwellings, cultivated agricultural land, plant nurseries, parking of vehicles, open storage and storage yards, a workshop, grass land and vacant land (**Plan A-2**). Besides, the applicant has committed to maintaining the existing metal fencing, which will be painted in green, along the site boundary to provide visual screening with a view to minimising potential nuisance to the surrounding areas. 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 proposed installation is not incompatible with the surrounding landscape character and no significant adverse impact arising from the proposed installation is anticipated.

- 12.4 Other relevant government departments consulted, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Director of Electrical and Mechanical 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 13.2 below. It is also recommended to advise the applicant to follow the 'CoP' and other relevant environmental guidelines and legislation in order to minimise any potential environmental nuisance caused by the proposed installation.
- 12.5 The proposed installation is generally in line with the Assessment Criteria (**Appendix II**) in that the applicant has obtained CLP's Network Reinforcement Condition Letter; height of the proposed structures of the installation (i.e. not more than 2m) is in keeping with the surrounding areas and commensurate with the function it performs; relevant government bureau/departments consulted in general have no adverse comments on the application from various technical perspectives; and the long-term planning intention of the "AGR" zone would not be frustrated.
- 12.6 Regarding the public comments as detailed in paragraph 11 above, the government bureau/departments' comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments 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 five years until 23.1.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 23.7.2026;
- (b) in relation to (a) above, the implementation of the 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 23.10.2026;
- (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 23.7.2026;
- (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 23.10.2026;
- (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;
- (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; and
- (h) 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**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed installation 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 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.

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 received on 2.12.2025 respectively
- Appendix Ia** FI received on 15.1.2025
- Appendix II** Assessment Criteria for Considering Applications for SPV System made under Section 16 of the Town Planning Ordinance
- Appendix III** Government Departments' General Comments
- Appendix IV** Recommended Advisory Clauses
- Appendix V** Public Comments

- Drawing A-1** Layout Plan
- Drawing A-2** Land Filling Area Plan

- Plan A-1** Location Plan
- Plan A-2** Site Plan
- Plan A-3** Aerial Photo
- Plans A-4** Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**