

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1197

<u>Applicant</u>	: Mr. TANG Kam Leung represented by R-riches Planning Limited
<u>Site</u>	: Lot 173 RP (Part) in D.D. 109, Kam Hing Wai, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 775m 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>	: “Village Type Development” (“V”) <i>[restricted to a maximum building height of 3 storeys (8.23m)]</i>
<u>Application</u>	: Proposed Temporary Shop and Services with Ancillary Office for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services with ancillary office for a period of five 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 the “V” zone, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved, erected with some temporary structures and used for open storage of vehicles without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Chi Ho Road (**Plans A-1 to A-3**). According to the applicant, the proposed use involves two single-storey structures with height of about 3m and a total floor area of about 72m² for vehicle showroom, ancillary office and washroom; and seven open-air displaying spaces for private car and light goods vehicle (**Drawing A-1**). Three parking spaces for private car will be provided at the Site. No dismantling, maintenance, repairing, assembling, paint spraying or other workshop activities will be involved at the Site at all times. The operation hours will be between 9:00 a.m. and 7:00 p.m. daily, including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

- 1.3 The Site is the subject of a previous application No. A/YL-KTN/883 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 and the planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions (details at paragraph 5 below). Compared with the previous 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 18.12.2025, (Appendix I) 23.12.2025 and 29.12.2025
 - (b) Further Information (FI) received on 30.1.2026* (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) The proposed use is for serving the locals and businesses in the nearby area. The temporary nature of the application would not frustrate the long-term planning intention of the “V” zone. The proposed use is not incompatible with the surrounding areas.
- (b) The permission under the previous application No. A/YL-KTN/883 was revoked due to non-compliance with approval conditions related to implementation of drainage and fire service installations (FSIs) proposals. In support of the current application, the applicant has submitted the relevant drainage and FSIs proposals.
- (c) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse impacts on the surrounding areas are not anticipated.

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 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 planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Application

The Site is the subject of a previous application No. A/YL-KTN/883 for the same use submitted by the same applicant, which was approved with conditions by the Committee in 2023 mainly on the considerations that the proposed use on a temporary basis would not jeopardise 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 generally had no adverse comments or their concerns could be addressed by approval conditions. The planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions related to implementation of drainage and FSIs proposals. Compared with the previous application, the proposal under the current application remains unchanged as mentioned in paragraph 1.3 above. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

There are three similar applications, involving two sites, for temporary shop and services with public vehicle park within the same “V” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2021 and 2024 mainly on the similar considerations as mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently fenced-off, hard-paved, erected with some temporary structures and used for open storage of vehicles without valid planning permission; and
- (b) accessible from Chi Ho Road.

7.2 The surrounding areas are rural in character with an intermix of car services, parking of vehicles, scattered residential structures and woodland. To the south are Chi Ho Road and Kam Tin North River. To the further west are the village settlements of Kam Hing Wai (**Plans A-1 and A-3**).

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**

All 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 at **Appendices III** and **IV** respectively.

10. **Public Comments Received During Statutory Publication Period**

On 30.12.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals raising concerns mainly on the potential traffic impacts and the need for compliance with the approval conditions (**Appendix V**).

11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services with ancillary office for a period of five years at the Site zoned “V” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “V” zone, according to the applicant, it is for serving the locals and businesses in the nearby area. The District Lands Officer/Yuen Long, Lands Department advises that there is no Small House application approved or under processing at the Site. It is considered that approving the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis of five years.
- 11.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of car services, parking of vehicles, 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 proposed use is not incompatible with the surrounding landscape character and significant adverse landscape impact is not anticipated.

- 11.3 Other relevant government departments consulted, including the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD), Commissioner for Transport, Director of Environmental Protection and Director of Fire Services (D of FS), 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 proposed use.
- 11.4 The Site is the subject of an approved previous application No. A/YL-KTN/883 for the same use submitted by the same applicant as detailed in paragraph 5 above. Whilst the planning permission under the previous application was revoked due to non-compliance with approval conditions related to implementation of drainage and FSIs proposals, in support of the current application, the applicant has submitted drainage and FSIs proposals which are considered acceptable by CE/MN, DSD and D of FS respectively. 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 may not be given to any further application.
- 11.5 There are three approved similar applications involving temporary shop and services within the same "V" 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 decisions.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department's View

- 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 five years until 6.2.2031. 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 6.11.2026;
- (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 6.11.2026;
- (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; and
- (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.

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 proposed use is not in line with the planning intention of the "V" zone which 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. 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 18.12.2025, 23.12.2025 and 29.12.2025
Appendix Ia	FI received on 30.1.2026
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments

Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2026**