

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/1200**

- Applicant** : Mr. TANG Chik Leung represented by R-riches Planning Limited
- Site** : Lots 730 (Part), 736 (Part), 737 (Part), 738 (Part), 740 (Part) and 748 (Part)  
in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
- Site Area** : About 487m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Shop and Services (Real Estate Agency) with Ancillary  
Facilities and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary shop and services (real estate agency) 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, erected with temporary structures and occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Mei Fung Road via local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves two structures of not more than two storeys with height of not more than 7m and a total floor area of about 270m<sup>2</sup> for real estate agency with ancillary office, storage, washroom, covered parking space and rain shelter (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 397m<sup>2</sup> (81.5% of the Site) with concrete of not more than 0.1m in depth (to a level of about 15.7mPD) for site formation and circulation. No tree felling will be involved and a landscaping area is reserved at the southern part of the Site. Two parking spaces for private car are provided at the Site. The operation hours are between 9:00 a.m. and 7:00 p.m. daily, including Sundays and public holidays. Plans showing the site layout and land filling area submitted by the applicant is on **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 29.12.2025 (**Appendix I**) and 2.1.2026
- (b) Further Information (FI) received on 12.2.2026\* (**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 real estate agency under application is to serve the locals and businesses in the nearby area. The applied use is not incompatible with the surrounding areas and its temporary nature will not frustrate the long-term planning intention of the “AGR” zone.
- (b) Sufficient space is provided for vehicles to manoeuvre smoothly within the Site and infrequent trips will be involved. The applied use will not induce adverse environmental, traffic or drainage impacts on the surrounding areas. In support of the current application, the applicant has submitted record of existing drainage facilities and fire service installations proposal.

## **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/605) for temporary animal boarding establishment for a period of three years which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 with the planning permission lapsed in 2021, and its considerations are not relevant to the current application due to different use involved. Details of the previous application are summarised at **Appendix II** and its location is 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, erected with temporary structures and occupied by the applied use without valid planning permission; and
- (b) accessible from Mei Fung Road via local track.

7.2 The immediate surrounding areas are rural in character with an intermix of open storage/storage yards/warehouse (including two sites with valid planning permissions), residential structures, woodland and vacant land (**Plan A-2**).

## 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, Lands Department (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 the private lots covered by the application which is/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. 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 comment on the application from nature conservation perspective.

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

On 6.1.2026, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual objecting to the application mainly on the ground that the Site was used for brownfield operation without permission (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary shop and services (real estate agency) for a period of three years at the Site zoned “AGR” (**Plan A-1**). 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. Nonetheless, according to the applicant, the applied use is to serve the locals and businesses in the nearby area. 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 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.
- 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/warehouse, residential structures, woodland 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 considers that the applied use is not incompatible with the landscape setting in the proximity and significant adverse landscape impact is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport 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. 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 Regarding the public comment as mentioned in paragraph 10, any unauthorized development on the Site would be subject to planning enforcement action.

## **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 27.2.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 27.5.2026;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a revised fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or the Town Planning Board by 27.8.2026;
- (d) the implementation of the revised 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 27.11.2026;
- (e) 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;
- (f) if any of the above planning condition (a), (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
- (g) 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**

<b>Appendix I</b>	Application Form with attachments received on 29.12.2025 and 2.1.2026
<b>Appendix Ia</b>	FI received on 12.2.2026
<b>Appendix II</b>	Previous application
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
FEBRUARY 2026**