

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

**APPLICATION NO. A/YL-KTN/1204**

- Applicant** : Ka Shun Metal Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1831 (Part) and 1833 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long, New Territories
- Site Area** : About 880m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11 and Draft Ngau Tam Mei OZP No. S/YL-NTM/15
- Zonings** : “Comprehensive Development Area” (“CDA”) (77%)  
*[restricted to maximum lot ratio of 0.4 and a maximum building height of 4 storeys]*
- “Village Type Development” (“V”) (23%)  
*[restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Proposed Temporary Shop and Services and Associated Excavation of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary shop and services and associated excavation of land for a period of three years at the application site (the Site), which falls within an area partly zoned “CDA” (77%) on the Kam Tin North OZP and partly zoned “V” (23%) on the Ngau Tam Mei OZP (**Plan A-1**). According to the Notes of the two OZPs, ‘Shop and Services’ and ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH) within “V” zone) are Column 2 uses for the “CDA” and “V” zones respectively, both of which require planning permission from the Town Planning Board (the Board). Excavation of land in the “V” zone also requires planning permission from the Board. The Site is currently hard-paved, erected with some temporary structures and partly used for open storage of construction materials without valid planning permission (**Plans A-2 and A-4**).

1.2 The Site is accessible from Wang Ping Shan South Road via local track (**Plans A-1 to A-3**). According to the applicant, the proposed use involves two single-storey structures with height of not more than 4m and a total floor area of not more than 250m<sup>2</sup> for shop and services (sales of ironmongery and tools for fitting-out works) and ancillary toilet (**Drawing A-1**). The applicant also applies for proposed excavation of land for about 61.95m<sup>2</sup> (about 7% of the Site) with a depth of about 0.525m for the provision of surface channel in the periphery of the Site for drainage purpose (**Drawing A-2**). Two parking spaces for private car and one loading/unloading space for light goods vehicle will be provided. No open storage, warehouse or 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. Plans showing the site layout and land excavation area submitted by the applicant are 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 7.1.2026 (**Appendix I**) and 15.1.2026
- (b) Further Information (FI) received on 22.1.2026\* (**Appendix Ia**)
- (c) FI received on 12.2.2026\* (**Appendix Ib**)

*\* 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 **Ib**, and can be summarised as follows:

- (a) The proposed use is to serve the residents in the nearby area. The temporary nature of the application would not jeopardise the long-term planning intentions of the “CDA” and “V” zones. The proposed use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity of the Site.
- (b) The applicant indicates that he will rectify the existing structures at the Site and conform to the scheme under application. Adverse impacts on the surrounding areas are not anticipated. In support of the current application, the applicant has submitted a drainage 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 publishing notices in local newspapers and sending notice to the San 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**

There is no previous application involving the Site.

#### **6. Similar Applications**

There are six similar applications, involving four sites, for various temporary shop and services uses (including two also with wholesale trade use) within the same “CDA” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2022 and 2025 mainly on the considerations that the proposed use on a temporary basis would not jeopardise the long-term planning intention of the “CDA” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns and public comments, if any, could be addressed by approval conditions. There is no similar application within the same “V” zone. 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 hard-paved, erected with some temporary structures and partly used for open storage of construction materials without valid planning permission; and
- (b) accessible from Wang Ping Shan South Road via local track.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, residential structures, farmland, grassland and woodland. To the further northwest are the village settlements of San Wai Tsuen (**Plan A-1**).

#### **8. Planning Intentions**

8.1 The planning intention of the “CDA” zone is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any.

8.2 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. 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. According to the Explanatory Statement of the OZP for the “V” zone, as excavation of land may cause adverse drainage impacts on the areas and adverse impacts on the environment, permission from the Board is required for such activities.

## **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 Comment Received During Statutory Publication Period**

On 16.1.2026, 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 is occupied by warehouse structure without permission (**Appendix V**).

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

11.1 The application is for proposed temporary shop and services and associated excavation of land for a period of three years at the Site partly zoned “CDA” (77%) and partly zoned “V” (23%) (**Plan A-1**). Whilst the proposed use is not in line with the planning intentions of the “CDA” and “V” zones, according to the applicant, it is to serve the residents in the nearby area. There is currently no known comprehensive development proposal for the “CDA” zone. Besides, the District Lands Officer/Yuen Long, Lands Department advises that there is no approved or on-going Small House application within the Site. It is considered that approving the application on a temporary basis would not jeopardise the long-term planning intentions of the “CDA” and “V” zones. Taking into account the above and the planning assessments below, there is no objection to the proposed use with associated excavation of land on a temporary basis of three years.

11.2 The applicant applies for proposed excavation of land for about 61.95m<sup>2</sup> (about 7% of the Site) for the provision of surface channel in the periphery of the Site for drainage purpose (**Drawing A-2**). Excavation of land in the “V” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts. 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.

11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards,

residential structures, farmland, grassland 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 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 proposed use.
- 11.5 There are six approved similar applications involving temporary shop and services within the same "CDA" 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 comment as mentioned in paragraph 10, the applicant indicates that he will rectify the existing structures at the Site and conform to the scheme under application. Besides, any unauthorized development on the Site would be subject to planning enforcement action.

## **12. Planning Department's View**

- 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 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 27.8.2026;
- (b) in relation to (a) above, the implementation of the revised 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 27.11.2026;
- (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 27.8.2026;

- (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 27.11.2026;
- (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; and
- (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.

#### 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 with associated excavation of land is not in line with the planning intentions of the "CDA" and "V" zones. The planning intention of the "CDA" zone is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any, whilst the planning intention of the "V" zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. There is no strong planning justification in the submission for a departure from the planning intentions, 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 7.1.2026 and 15.1.2026
- Appendix Ia** FI received on 22.1.2026

<b>Appendix Ib</b>	FI received on 12.2.2026
<b>Appendix II</b>	Similar applications
<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 excavation 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**