

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1105

- Applicant** : Hilltop Agency Limited
- Site** : Lot 1890 S.A ss.3 (part) in D.D. 106, Pat Heung, Kam Tin South, Yuen Long, New Territories
- Site Area** : 33m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zonings** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Proposed Temporary Shop and Services for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services 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, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by a container without valid planning permission (**Plans A-3 to A-4**).
- 1.2 The Site is accessible from Pat Heung Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use involves one two-storey structure of about 6.5m in height with floor area of about 66m² for real estate agency with ancillary office, storage and washroom (**Drawing A-1**). No parking or loading/unloading space will be provided within the Site. 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-KTS/893 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 2021, with the planning permission subsequently revoked in 2024 due to non-compliance with approval condition (details at paragraph 5 below). 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 13.11.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 29.12.2025* **(Appendix Ia)**
 - (c) FI received on 13.2.2026* **(Appendix Ib)**
- * accepted and exempted from publication and recounting requirements*
- 1.5 On 9.1.2026, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

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

- (a) The proposed use is intended to serve the nearby local residents. The application is on temporary basis and will not frustrate the long-term planning intention of the “V” zone.
- (b) The development will not create significant adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. The applicant will strictly follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department to minimise environmental nuisance. The applicant will also follow Professional Persons Environmental Consultative Committee Practice Notes for sewerage treatment at the Site.
- (c) Since considerable time was needed to obtain the Short Term Waiver (STW) from Lands Department (LandsD) for erecting structure at the Site, the approval condition related to implementation of fire service installations (FSIs) proposal under the previous application No. A/YL-KTS/893 could not be timely complied with and the planning permission was revoked. In support of the current application, the applicant has submitted a FSIs proposal.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a ‘current land owner’ but has complied with the requirements 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 obtaining consent of the current land owner. Detailed information would be deposited at the meeting for Member's inspection.

4. **Background**

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

5. **Previous Application**

The Site is the subject of a previous application No. A/YL-KTS/893 for the same use submitted by the same applicant, which was approved with conditions by the Committee for a period of five years in 2021 mainly on the considerations that temporary approval would not frustrate 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 comment or their concerns and public comments could be addressed by approval conditions. The planning permission was subsequently revoked in 2024 due to non-compliance with the approval condition related to implementation of FSIs proposal. Compared with the previous application, 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 Application**

There is a similar application No. A/YL-KTS/1039 involving temporary shop and services use with public vehicle park and filling of pond within the same "V" zone in the vicinity of the Site in the past five years, which was approved with conditions by the Committee in 2024 on the similar considerations as mentioned in paragraph 5 above. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Pat Heung Road via a local track; and
- (b) currently occupied by a container without valid planning permission.

7.2 The surrounding areas are rural in character with an intermix of village settlements of Yuen Kong San Tsuen and Tim Sam Tsuen, animal boarding establishment (with valid planning permission), pond, cultivated agricultural land, grassland and woodland.

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 re-provisioning 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 the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

9. **Comments from the 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 in **Appendices III** and **IV** respectively.

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

On 21.11.2025, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual expressing views that any approval should be limited to one year or less (**Appendix V**).

11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary shop and services for a period of five years at the Site which is zoned “V” (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the “V” zone, according to the applicant, the proposed use is intended to serve the nearby local residents. The District Lands Officer/Yuen Long, LandsD 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 for a period 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 village settlements, animal boarding establishment, pond, cultivated agricultural land, grassland and woodland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that no significant adverse landscape impact arising from the proposed use is anticipated.

- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department 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, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the proposed use.
- 11.4 The Site is the subject of an approved previous application 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 in 2024 due to non-compliance with approval condition related to implementation of FSIs proposal, the applicant has submitted a FSIs proposal in support of the current application, which is accepted by D of FS. 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 is an approved similar application involving temporary shop and services use 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 decision.
- 11.6 Regarding the public comment as mentioned in paragraph 10 above, 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 five years until 27.3.2031. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval conditions

- (a) 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 27.12.2026; and

- (b) if the above planning condition (a) 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 provide land primarily 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 13.11.2025
Appendix Ia	FI received on 29.12.2025
Appendix Ib	FI received on 13.2.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
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
MARCH 2026**