

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/486

- Applicant** : Kam Hay Machine Engineering Company Limited represented by R-riches Planning Limited
- Site** : Lot 630 (Part) in D.D. 104, Ngau Tam Mei, Yuen Long
- Site Area** : 434m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ngau Tam Mei Outline Zoning Plan (OZP) No. S/YL-NTM/15
- Zoning** : “Other Specified Uses” annotated “University Town” (“OU(UT)”) (about 32.5%) and area shown as ‘Road’ (about 67.5%)
[“OU(UT)” zone: restricted to a maximum building height of 50mPD]
- Application** : Proposed Temporary Shop and Services for a Period of 5 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) partly shown as ‘Road’ (about 67.5% of the Site) and partly zoned “OU(UT)” (about 32.5% of the Site) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ is a Column 1 use which is always permitted under the “OU(UT)” zone, whereas all uses or developments except those specified in the covering Notes of the OZP in area shown as ‘Road’ require planning permission from the Town Planning Board (the Board). The Site is currently vacant, fenced-off and hard-paved (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from a local access leading to Ngau Tam Mei Road (**Drawing A-1 and Plan A-2**), with an ingress/egress (about 6m wide) at its north-western part. According to the applicant, the proposed use involves two two-storey temporary structures (not more than 7m in height) with a total floor area of about 288m² for shop and services use (i.e. a convenience store). A loading/unloading (L/UL) space for light goods vehicle will be provided at the Site and the remaining uncovered area will be used for circulation space. The proposed use will operate from 9:00 a.m. to 6:00 p.m. daily, including public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of a previous application (No. A/YL-NTM/456) approved with conditions by the Rural and New Town Planning Committee (the Committee) of the

Board in 2023 for a period of five years, and the planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions (detailed at paragraph 5 below). Compared with the previous application, the current application is submitted by the same applicant for the same use at the same Site with the same layout and development parameters.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 28.1.2026 and **(Appendix I)**
Supplementary Information (SI) received on 4.2.2026
 - (b) Further Information (FI) received on 23.3.2026* **(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, SI and FI at **Appendices I to Ia**, and can be summarised as follows:

- (a) The proposed temporary shop and services use for a convenience store is intended to serve the nearby locals, and is not incompatible with the surrounding areas which is predominated by parking of vehicles, residential structures and open storage yards.
- (b) The application on a temporary basis of five years will not jeopardise the long-term planning intention of the concerned zone. The applicant noted that the Site may be resumed at any time during the planning approval period for the Ngau Tam Mei New Development Area (NTM NDA) development, and will liaise the Government on handing over the Site when appropriate.
- (c) The Site is the subject of a previously approved application (No. A/YL-NTM/456) submitted by the same applicant for the same use. While the previous application was revoked due to non-compliance with approval conditions, the applicant has submitted a drainage proposal and the associated photographic record of the implemented drainage facilities, as well as a fire service installations (FSIs) proposal in support of the current application. The applicant is committed to complying with all relevant approval conditions if the application is approved by the Committee.
- (d) Transportation of goods will only take place during non-peak hours. Staff members will use public transport and access the Site on foot via the local access. Hence, the estimated traffic generated will be minimal and adverse traffic impact to the surrounding road network is not anticipated.
- (e) The proposed use will not create significant adverse environmental and drainage impacts to the surroundings. The applicant will strictly comply with all relevant environmental protection/pollution control ordinances, including the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’.

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 posting site notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

4.1 The Site fell within an area zoned "Recreation" ("REC") on the then approved Ngau Tam Mei OZP No. S/YL-NTM/14. In order to take forward the NTM NDA development, the draft Ngau Tam Mei OZP No. S/YL-NTM/15, which covers the Site among others, was exhibited under section 5 of the Town Planning Ordinance on 31.10.2025. The Site now falls within an area partly shown as 'Road' and partly zoned "OU(UT)" on the draft OZP.

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

5. **Previous Application**

The Site is the subject of a previous application (No. A/YL-NTM/456) which was approved with conditions by the Committee on 31.3.2023, mainly on the considerations that the proposed use would not frustrate the long-term planning intention of the then "REC" zone; the proposed use was considered not incompatible with the surrounding land uses; and there was no adverse comment from relevant government departments consulted or their concerns could be addressed by approval conditions. The planning permission was subsequently revoked on 31.12.2025 due to non-compliance with time-limited approval conditions on the implementation of drainage and FSIs proposals. Compared with the previous application, the current application is submitted by the same applicant for the same use at the same Site with the same layout and development parameters. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

During the past five years, there are two similar applications (No. A/YL-NTM/417 and 485) involving the same site for shop and services use within the "OU(UT)" zone¹ in the vicinity of the Site, which were all approved with conditions in 2021 and 2025 each for a period of five years mainly on similar considerations as stated in paragraph 5 above. The planning permission of application no. A/YL-NTM/417 was subsequently revoked due to non-compliance with time-limited approval condition. Details of the similar applications are summarised at **Appendix III** 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) hard-paved, currently vacant and fenced-off; and
- (b) accessible from Ngau Tam Mei Road via a local access.

¹ The application sites fell within the then "REC" zone on the approved Ngau Tam Mei OZP No. S/YL-NTM/14.

7.2 The surrounding areas are of rural fringe character predominated by parking of vehicles, residential structures, village office, basketball court, open storage yards, vacant land and grassland.

8. Planning Intentions

8.1 The “OU(UT)” zone is intended primarily for development of the University Town for provision of post-secondary education facilities and associated uses, offering spaces for activities relating to research and development and to groom high-calibre talents.

8.2 The area shown as ‘Road’ of the Site forms part of the area reserved for the future realigned Ngau Tam Mei Road of the NTM NDA.

9. Comments from Relevant Government Departments

9.1 Apart from the government department 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 in **Appendices IV** and **V** respectively.

9.2 The following government department has specific comments on the application:

Project Interface

Comments from the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

the Site falls within the boundary of the NTM NDA and the estimated departure schedule for the areas covering the Site is around Q4 2027. As the land resumption and clearance programme shall follow the project programme notwithstanding the validity period of the planning permission, the applicant should be reminded that the Site may be resumed at any time for potential development project.

10. Public Comment Received During Statutory Publication Period

On 6.2.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received (**Appendix VI**) from an individual objecting to the application as the approval conditions of the previous application had not been complied with.

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 partly shown as ‘Road’ (about 67.5%) and partly zoned “OU(UT)” (about 32.5%) on the OZP (**Plan A-1**). While the proposed use is always permitted at the portion of the Site falling within an area zoned “OU(UT)”, planning permission is required for the portion of the Site falling within the area shown as ‘Road’ which is

reserved for the future realigned Ngau Tam Mei Road of the NTM NDA. According to the applicant, the proposed use can serve the nearby locals. On long-term development perspective, PM(W) of CEDD advises that the Site falls within the boundary of the NTM NDA and the estimated departure schedule for the areas covering the Site is around Q4 2027, and land resumption and clearance programme shall follow the project programme. Notwithstanding this, the proposed use of temporary basis only will not affect the long-term planning intention of the Site. To address PM(W) of CEDD's concerns on the potential interface issue, an advisory clause reminding the applicant that the Site may be resumed by the Government and the proposed use may be terminated at any time during the planning approval period for implementation of Government projects is recommended should the Committee decide to approve the application. In view of the above and taking into account the planning assessments below, there is no objection to the current application for a period of five years.

- 11.2 The proposed use is considered not incompatible with the surrounding areas which are of rural fringe character predominated by parking of vehicles, residential structures, village office, basketball court, open storage yards, vacant land and grassland (**Plan A-2**). 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 adverse landscape impact arising from the proposed use is not anticipated.
- 11.3 Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) 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 the concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 As detailed in paragraph 5 above, the Site is the subject of a previous application submitted by the same applicant for the same use which was approved by the Committee in 2023 for a period of five years, and its planning permission was subsequently revoked in 2025 due to non-compliance with time-limited approval conditions on the implementation of drainage and FSIs proposals. In support of the current application, the applicant has submitted drainage and FSIs proposals (**Appendix I**), which are considered acceptable by CE/MN of DSD and D of FS respectively. As such, sympathetic consideration may be given to the current application. Should the Committee decide to approve the application, the applicant will be advised that should there be non-compliance with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 There are two approved similar applications in the vicinity of the Site in the past five years as detailed in paragraph 6 above. Approving the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comment as stated in paragraph 10 above, the planning considerations and departmental comments 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, 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 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 27.12.2026;
- (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 27.12.2026;
- (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 attached at **Appendix V**.

- 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 area shown as 'Road', which is primarily for road development. 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 received on 28.1.2026 and SI received on and 4.2.2026
Appendix Ia	FI received on 23.3.2026
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2026**