

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1088

- Applicant** : Rich Tone Management Limited represented by R-riches Planning Limited
- Site** : Lots 347 S.B (Part), 347 S.D (Part) and 348 (Part) in D.D. 109, Kam Tin, Yuen Long, New Territories
- Site Area** : About 1,210m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Residential (Group C)” (“R(C)”)
[restricted to a maximum plot ratio of 0.8, a maximum site coverage of 40% and a maximum building height of 4 storeys (12m)]
- Application** : Proposed Temporary Shop and Services, Eating Place and Public Vehicle Park (Excluding Container Vehicle) for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services, eating place and public vehicle park (excluding container vehicle) for a period of five years at the application site (the Site), which falls within an area zoned “R(C)” on the OZP (**Plan A-1a**). According to the Notes of the OZP for the “R(C)” zone, ‘Shop and Services’, ‘Eating Place’ and ‘Public Vehicle Park (excluding container vehicle)’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site is currently formed, fenced off and occupied by some temporary canopy tents for a temporary carnival use¹ (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track through the ingress/egress point at the southern boundary (**Drawing A-1, Plans A-1a and A-3**). A pedestrian path of 3m wide will be provided to connect the Site with the adjacent shop and services, eating place, place of recreation, sport or culture and public

¹ According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development for structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

vehicle park at the northeastern boundary of the Site (i.e the Richfield) under the approved application No. A/YL-KTS/972² (**Drawing A-1 and Plan A-2**). According to the applicant, the proposed uses comprise two two-storey structures of not more than 7.2m in height with a total floor area of about 384m² for shop and services and eating place, 11 parking spaces for private cars (5m x 2.5m each) and one loading/unloading space for light good vehicle (7m x 3.5m) for public vehicle park. To minimise the potential nuisance to the nearby residents in the northwest, the two proposed structures will be arranged at the eastern portion of the Site, and the existing landscaping area along the northwestern boundary of the Site would be retained and widened to 6m at least with wooden fencing of 2m tall proposed to be erect along its edge (**Drawing A-1**). The existing unpaved area in the central part of the Site will also be retained. No medium or heavy goods vehicle exceeding 5.5 tonnes, including container vehicles/tractors, or vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicle) Regulations are allowed to be parked/stored or enter/exit the Site at all times. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will turn back onto the local access. No public announcement system or any form of audio amplification system will be used and no open storage, vehicle repairing, dismantling or other workshop activities will be allowed at the Site at all times. The operation hours for the shop and services and eating place will be from 7:00am to 9:00pm daily (including Sunday and public holidays), while the public vehicle park will be opened 24-hours daily. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in four previous applications (No. A/YL-KTS/607, 662, 711 and 812). Applications No. A/YL-KTS/607, 662 and 711 for temporary public vehicle park were rejected by the Rural and New Town Planning Committee (the Committee) of the Board between 2013 and 2016, while application No. A/YL-KTS/812 for temporary shop and services with ancillary facilities was approved with conditions by the Committee in 2019 (**Plan A-1b**) (details at paragraph 6 below). Compared with the last previous application No. A/YL-KTS/812, the current application occupies only a portion of the site of the last previous application and involves reduced number of structures (-9) and floor area (-822.9m²), additional proposed uses of eating place and public vehicle park, and corresponding changes in layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments and Supplementary Information (SI) received on 22.7.2025 and 30.7.2025 respectively (**Appendix I**)
 - (b) Further Information (FI) received on 2.9.2025* (**Appendix Ia**)
 - (c) FI received on 23.9.2025# (**Appendix Ib**)

² Application No. A/YL-KTS/972 for proposed temporary shop and services, eating place, place of recreation, sport or culture and public vehicle park (excluding container vehicle) with ancillary facilities for a period of five years was approved by the Rural New Town Planning Committee (the Committee) of the Board on 10.11.2023 and the permission is valid until 10.11.2028.

(d) FI received on 14.11.2025[#] (Appendix Ic)

(e) FI received on 23.2.2026* (Appendix Id)

(f) FI received on 3.3.2026* (Appendix Ie)

**accepted and exempted from publication and recounting requirements*

accepted but not exempted from publication and recounting requirements

1.5 On 19.9.2025 and 9.1.2026, the Committee agreed to defer making a decision on the application for two months each 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 to Ie** and can be summarised as follows:

- (a) The Site is in proximity to nearby and future residential developments as well as villages which have strong local demand for varieties of shop and service, eating place and vehicle parking spaces. The proposed uses would help address the demand with more choices of shop and services and eating place, as the Kam Sheung Road Flea Market adjacent to MTR Kam Sheung Road Station has ceased operation³.
- (b) The proposed vehicle car parking spaces are partly reserved for visitors and staff of the proposed shop and services and eating place, while also serving to alleviate the pressing demand for parking spaces arising from the recently completed residential developments nearby (e.g. the Grand Mayfair⁴) and illegal on-street parking in Kam Tin area.
- (c) The proposed uses are considered not incompatible with surrounding areas which are dominated by low-rise residential developments, railway station, vacant land, parking of vehicles, shop and services and open storage uses. There is no known development of the Site for residential use, thus approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone while better utilise precious land resources.
- (d) There is a similar application (No. A/YL-KTS/972) within the same “R(C)” zone approved by the Committee in 2023. Approval of the application is in line with the Board’s previous decision and would not set an undesirable precedent within the “R(C)” zone.
- (e) Upon approval of the application, the applicant will follow up with the necessary application for Short Term Waiver (STW) to the Lands Department (LandsD) as appropriate for implementing the proposed uses.

³ The Kam Sheung Road Flea Market had ceased operation in February 2026.

⁴ It consists of about 2,200 units and completed by phases with population intake commenced in late 2024.

- (f) The proposed uses will not result in adverse impacts on the surrounding areas. To minimise potential nuisance to the nearby residents, a 6m-wide landscaping area and 2m-tall wooden fencing are proposed along the northwestern boundary of the Site, and the proposed structures for shop and service and eating place are proposed to be located at the eastern part of the Site. The applicant will also comply with all environmental protection/pollution control ordinances and strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) and ‘Control of Oily Fume and Cooking Odour from Restaurants and Food Business’ to minimise the possible adverse impacts and environmental nuisance to the nearby environment. In support of the application, the applicant has submitted a drainage proposal and a fire service installations (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” Requirement under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting notice at the Site and sending notice to Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Applications

- 5.1. The Site, in part or in whole, is involved in four previous applications. Three applications (No. A/YL-KTS/607, 662 and 711) were for temporary public vehicle park use and the remaining application No. A/YL-KTS/812 was for temporary shop and services use. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

Approved application

- 5.2. The northern portion of the Site is involved in the previous application No. A/YL-KTS/812 for temporary shop and services with ancillary facilities for a period of five years which was submitted by a different applicant as the current application. This application was approved with conditions by the Committee on 22.2.2019 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “R(C)” zone; the proposed use was not incompatible with the surrounding areas; relevant government departments consulted in general had no adverse comments or their technical concerns and local objections could be addressed by relevant approval conditions. All time-limited approval conditions have been complied with and the permission lased on 22.2.2024. Compared with this previous application, the current application

involves changes in site area, major development parameters, proposed uses and layout as mentioned in paragraph 1.3 above.

Rejected applications

- 5.3. Major part of the Site is involved in applications No. A/YL-KTS/607, 662 and 711, all of which covered a larger site for proposed temporary public vehicle park for a period of three years. These applications were rejected by the Committee between 2013 and 2016 mainly on the considerations that there is no strong planning justification for a departure from the planning intention; the proposed use was not compatible with the surrounding land uses; there was insufficient information to demonstrate that the proposed use would not cause adverse environmental, landscape and/or traffic impacts on the surrounding area; and approval of the application would set an undesirable precedent for similar uses to proliferate into the same/nearby “R(C)” zones and the cumulative effect of approving such similar application would result in a general degradation of the environment.

6. Similar Applications

There are six similar applications covering three sites (No. A/YL-KTS/898, 915, 929, 972, 1029 and 1047) (including four for renewal of planning permissions granted) for various temporary uses, including shop and services (including motor vehicles showroom), public vehicle park, eating place and place of recreation, sport or culture, each for a period of three or five years within the same or other “R(C)” zones in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2021 and 2025 mainly on considerations similar to those mentioned in paragraph 5.2 above. Details of the similar applications are summarised in **Appendix II** and the locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Kam Sheung Road via a local track; and
- (b) currently formed, fenced off and occupied by temporary canopy tents.

7.2 The surrounding areas are rural in character comprising predominantly low-rise residential developments such as Kat Hing Garden (吉慶花園), 翠怡花園 and Noble Park (豪景富居), shop and services, eating place, place of recreation, sports or culture and parking of vehicles (with valid planning permission), open storage/storage yards, vacant land and grassland. Kam Po Road and Kam Tin River are to the south of the Site, and MTR Kam Sheung Road Station and the Grand Mayfair are located to the further south across Kam Tin River (**Plan A-1a**).

8. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

9. Comments from Relevant Government Departments

9.1. Apart from the government departments as set out in paragraphs 9.2 and 9.3 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 III** and **IV** respectively.

9.2. The following government department supports the application:

Traffic

9.2.1. Comments of the Commissioner for Transport (C for T):

- (a) supports the application as it could address local parking demand; and
- (b) advisory comments are in **Appendix IV**.

9.3. The following government department objects to the application:

Land Administration

9.3.1. Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):

- (a) objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots 347 S.B, 347 S.D and 348 in D.D. 109 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) the following irregularities not covered by the application have been detected by his office:

Unauthorised structure(s) within the said private lot(s) not covered by the planning application

- (d) there are unauthorised structures within Lot No. 347 S.B in D.D. 109 not covered by the application. The lot owner(s) should immediately rectify/apply for regularization on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

(e) advisory comments are in **Appendix IV**.

10. Public Comments Received During Statutory Publication Periods

On 1.8.2025, 30.9.2025 and 21.11.2025, the application and FIs were published for public inspection. During the statutory public inspection period, 42 public comments were received from individuals. 41 individuals support the application mainly on the grounds that the proposed public vehicle park could address the shortage of parking space and address illegal parking issue in view of the increasing population in Kam Tin area in recent years; the proposed public vehicle park could provide alternative parking option for the residents from the “park and ride” at MTR Kam Sheung Road Station; the proposed uses could better utilise land resources which the Site has been left idle for many years; and the location of the proposed shop and services could help creating synergy effect with the nearby existing shops at the Richfield to better serve the locals. An individual objects to the application mainly on the grounds that the application is to split the vacant land into a smaller land parcel; the location of the proposed uses is not close to residences that the necessity of the eating place is questionable; and hygienic issue will arise from the eating place.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services, eating place and public vehicle park (excluding container vehicle) for a period of five years at the Site zoned “R(C)” (**Plan A-1a**). While the proposed uses are not entirely in line with the planning intention of the “R(C)” zone, there is no known programme for long-term development involving the Site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(C)” zone. The applicant also claims that the proposed uses could help address the arising demands for shop and service, eating place and vehicle parking spaces in view of the increasing population in Kam Tin area in recent years due to the recent completion of nearby residential developments including the Grand Mayfair at MTR Kam Sheung Road Station and the cease of operation of the Kam Sheung Road Flea Market (**Plan A-1a**). C for T supports the application to address the local demand for car parking spaces. Taking into account the above and the planning assessments below, there is no objection to the proposed uses on a temporary basis of five years.
- 11.2 The proposed uses are considered not incompatible with the surrounding areas which are rural in character with an intermix of low-rise residential developments, village settlements, shop and services, eating place, place of recreation, sports or culture and parking of vehicles, open storage/storage yards, vacant land, grassland, as well as roads, railway structures and Kam Tin River. To minimise potential nuisance to the nearby residents in the northwest, the applicant has proposed to locate the proposed structures of shop and services/eating place physically away from the residential dwellings in the northwest and to retain and widen the existing landscaping area with a width of 6m at least along the northwestern boundary of the Site with the provision of 2m-tall wooden fencing (**Drawing A-1 and Plan A-2**). The Chief Town Planner/Urban design and Landscape of the Planning

Department (PlanD) considers that no significant landscape impact arising from the proposed uses is anticipated.

- 11.3 Regarding DLO/YL's concern on the unauthorised structures erected outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant has also committed to applying for STW for the proposed uses upon approval of this application. Other relevant government departments consulted including the Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection, Director of Fire Services who also considers the submitted FSIs proposal acceptable, and Director of Food and Environmental Hygiene have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the latest "CoP" to minimise any potential environmental impacts on the surrounding areas.
- 11.4 The Site is involved in four previous applications. While one application for temporary shop and services with ancillary facilities was approved with conditions, three others for temporary public vehicle park were rejected by the Committee with the reasons summarised in paragraph 5.3 above. However, comparing with the rejected previous applications, the current application warrants different planning circumstances and considerations in that C for T supports the application to address the increased local demand for parking spaces; the current application involves a smaller site with reduction in the number of parking spaces⁵ and provision of a 6m-wide landscaping area along the northwestern boundary to minimise potential nuisance to the nearby residents (**Drawing A-1**); and relevant government departments consulted have no objection to or no adverse comment on the application from technical perspectives. Besides, there are six approved similar applications within the same or other "R(C)" zones in the vicinity of the Site in the past five years as stated in paragraph 6 above. Approving the current application is not in conflict with the previous decisions of the Committee.
- 11.5 For the public comments 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 above 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 17.4.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

⁵ The number of parking spaces proposed under applications No. A/YL-KTS/607, 662 and 711 are 197, 117 and 69 respectively, while the number of parking spaces proposed under the current application is 11.

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 17.10.2026;
- (b) 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 17.1.2027;
- (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 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 17.1.2027;
- (e) 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
- (f) if any of the above planning condition (a), (b) and (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.

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 uses are not in line with the planning intention of the "R(C)" zone which is primarily for low-rise and low-density residential developments. There is no strong 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 and SI received on 22.7.2025 and 30.7.2025 respectively
Appendix Ia	FI received on 2.9.2025
Appendix Ib	FI received on 23.9.2025
Appendix Ic	FI received on 14.11.2025
Appendix Id	FI received on 23.2.2026
Appendix Ie	FI received on 3.3.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2026**