

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1102

- Applicant** : Promise Luck Limited represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 681 RP (Part), 682 RP (Part) and 683 RP (Part) in D.D. 106 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 2,258m² (including GL of about 151m² (6.7%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15
- Zoning** : Residential (Group D) (“R(D)”)
[Restricted to maximum plot ratio of 0.2 and maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Shop and Services (Retail Shop for Hardware Groceries and Construction Materials) with Ancillary Facilities for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (retail shop for hardware groceries and construction materials) with ancillary facilities for a period of five years at the application site (the Site), which falls within an area zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(D)” zone, ‘Shop and Services’ other than 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 formed and occupied by open storage of construction materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Plans A-1 and A-3**). According to the applicant, the proposed use involves four single-storey structures of not more than 5m in height with a total floor area of about 363m² for temporary shop and services (i.e. retail shop for hardware groceries and construction materials), ancillary office, reception and canopy. Five car parking spaces (including two for private cars and three for light goods vehicles) will be provided within the Site while there will be no loading/unloading space. Sufficient

space will be provided within the Site for vehicles to manoeuvre within and entering/leaving the Site and no vehicles will turn back onto the local access. The Site will be used for retail purpose only and no dusty materials will be stored in the Site at all times. No open storage, car beauty, washing, repairing, dismantling or other workshop activities nor the use of public announcement systems, whistle blowing or portable loudspeaker will be carried out in the Site at all times. The operation hours will be between 8:30 a.m. and 6:30 p.m. daily including Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments and Supplementary Information (SI) received on 2.10.2025 and 13.10.2025 respectively (**Appendix I**)
 - (b) Further Information (FI) received on 14.11.2025* (**Appendix Ia**)
 - (c) FI received on 3.3.2026* (**Appendix Ib**)
 - (d) FI received on 24.4.2026# (**Appendix Ic**)
 - (e) FI received on 19.5.2026# (**Appendix Id**)
 - (f) FI received on 27.5.2026# (**Appendix Ie**)

* *accepted but not exempted from publication and recounting requirements*

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- 1.4 On 9.1.2026 and 17.4.2026, the Rural and New Town Planning Committee (the Committee) of the Board 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 proposed use could meet the demand for hardware groceries and construction materials (i.e. fasteners, electrical supplies, keys, locks, tools, etc.) from the local residents and operators in the vicinity. The proposed use is temporary in nature and will not frustrate the long-term planning intention of the “R(D)” zone and is not incompatible with the surrounding areas.
- (b) There are similar applications within the same “R(D)” zone on the OZP approved by the Committee between 2021 and 2025, and the planning circumstances of the current application are relevant.
- (c) The proposed use will not cause adverse visual, landscape, traffic, environmental, drainage and fire safety impacts on the surrounding areas. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department and comply with all environmental protection/pollution control ordinances. In support of the application, the applicant has submitted a drainage proposal.

- (d) Upon approval of the application, the applicant will submit to the Lands Department (LandsD) the necessary application for Short Term Waiver (STW) and Short Term Tenancy (STT) as appropriate for implementing the proposed use.

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 publishing notices in local newspapers and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements are not applicable.

4. Background

Majority of the Site is currently subject to active planning enforcement action (No. E/YL-KTS/538) (**Plan A-2**) against unauthorized development (UD) involving storage use. Enforcement Notice (the Notice) was issued in January 2026 requiring discontinuation of UD by April 2026. Site inspection in April 2026 revealed that the UD is still continued upon expiry of the Notice and prosecution action is being considered.

5. Previous Application

The Site is the subject of a previous application No. A/YL-KTS/950 covering a larger site area (including the application site of application No. A/YL-KTS/1101 to the south) for proposed temporary place of recreation, sports or culture (hobby farm) with ancillary facilities for a period of five years. The application, which was submitted by the same applicant as the current application, was approved with conditions by the Committee on 23.6.2023 and the permission was subsequently revoked on 23.12.2025 due to non-compliance with time-limited approval conditions. Considerations of the previous application are irrelevant to the current application due to different use involved. Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are four similar applications (No. A/YL-KTS/954, 1042, 1044 and 1111) covering three sites for temporary shop and services with or without vehicle repair workshop each for a period of three or five years within the same “R(D)” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2023 and 2026 mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention; the proposed/applied use was considered not incompatible with the surrounding areas; relevant government departments consulted in general had no adverse comment on the application or their concerns could be addressed by approval conditions; and policy support was given for applications No. A/YL-KTS/954 and 1111 to facilitate relocation of business operation displaced by

government project. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

- 6.2 A similar application No. A/YL-KTS/1101 for proposed temporary shop and services (retail shop for hardware groceries and construction materials) with ancillary facilities for a period of five years within the same “R(D)” zone will be considered at the same meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) accessible from Kam Sheung Road via a local track; and
- (b) currently formed and occupied by open storage of construction materials without valid planning permission.

7.2 The surrounding areas are rural in character comprising mainly the village settlement of Ng Ka Tsuen and scattered residential structures, brownfield operations (i.e. open storage, storage yards and warehouse) across Kam Tin River (some with valid planning permissions) and grassland. Kam Tin River is located to the immediate north of the Site.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low density residential developments subject to planning permission from the Board.

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 III** and **IV** respectively.

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

Land Administration

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

- (a) has adverse comments on the application;
- (b) the Site comprises GL and 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) the following irregularity has been detected:

unlawful occupation of GL adjoining the private lot(s) with unauthorised structure(s) covered by the application

a minor portion of GL within the Site (about 151m²) has been unlawfully occupied with unauthorised structure(s) without any permission. Any occupation of GL without the Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and

- (d) his advisory comments are in **Appendix IV**.

10. Public Comments Received During the Statutory Publication Periods

On 14.10.2025, 21.11.2025 and 13.3.2026, the application and FIs were published for public inspection. During the statutory public inspection periods, two public comments were received from the same individual objecting to the application mainly on the grounds that the application is to pave way for brownfield operation (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services (retail shop for hardware groceries and construction materials) with ancillary facilities for a period of five years at the Site which is zoned "R(D)" (**Plan A-1**). Whilst the proposed use is not entirely in line with the planning intention of the "R(D)" zone, the applicant claims that the proposed use could meet the demand for hardware groceries and construction materials from the local residents and operators in the vicinity. Besides, there is no known development proposal involving the Site. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the "R(D)" zone. In view of the above and taking into account 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 comprising mainly village settlement of Ng Ka Tsuen and scattered residential structures, brownfield operations, grassland and Kam Tin River (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considers that no significant landscape impact arising from the proposed use is anticipated.
- 11.3 Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department who also considers the submitted drainage proposal acceptable, Director of Environmental Protection, 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 'CoP' issued by the Environmental Protection Department to minimise possible environmental nuisance generated by the proposed use on the surrounding

areas. Regarding DLO/YL, LandsD's concerns on the unauthorised structure(s) erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant also commits to submit to LandsD the relevant STW and STT applications upon approval of the planning application.

- 11.4 There are four approved similar applications within the same "R(D)" zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comments mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant. Any UD at the Site would also be subject to planning enforcement action.

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 5.6.2031. 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 5.3.2027;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 5.12.2026;
- (d) in relation to (c) 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 5.3.2027;
- (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; and
- (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.

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 "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and is also intended for low-rise, low density residential developments subject to planning permission from the Board. 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 and SI received on 2.10.2025 and 13.10.2025 respectively
Appendix Ia	FI received on 14.11.2025
Appendix Ib	FI received on 3.3.2026
Appendix Ic	FI received on 24.4.2026
Appendix Id	FI received on 19.5.2026
Appendix Ie	FI received on 27.5.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	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
JUNE 2026**