

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1243

<u>Applicant</u>	: Era Tailgate Engineering Company
<u>Site</u>	: Lots 1373 (Part), 1376 S.C (Part) and 1376 S.D in D.D. 109, Tai Kong Po, Kam Tin, Yuen Long
<u>Site Area</u>	: About 1,250m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Vehicle Repair Workshop and Rural Workshop with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle repair workshop and rural workshop with ancillary facilities and associated filling of land for a period of three years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved, fenced-off, erected with some temporary structures and used for the applied uses without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kong Po Road (**Plans A-1 to A-3**). According to the applicant, the applied uses for repairing of tail lift for goods vehicles (of not more than 7m in length and 9 tonnes in weight) and forklift involve 14 single-storey structures with height of not more than 5.32m and a total floor area of about 420.8m² for workshop, office, storage rooms, waste collection room, toilet, changing room, laundry area and covered parking space (**Drawing A-1**). An open-air vehicle waiting area is also designated within the Site to accommodate a maximum of six vehicles to be repaired. Three parking spaces for private car (including one covered parking space) are provided at the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of

not more than 0.1m in depth (to a level of not more than 6.4mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fence wall of 2.5m in height is erected along the site boundary on all sides. No open storage, logistics / goods distribution, dismantling and painting activities will be involved at the Site at all times. All the spent chemical oil and battery will be collected and stored at the waste collection room for regular collection by the registered contractors. The operation hours will be between 9:00 a.m. and 6:30 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plans showing the site layout and land filling 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 1.6.2026 (**Appendix I**) and 5.6.2026
- (b) Further Information (FI) received on 16.7.2026* (**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 and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) the applied uses are to serve demand on tail lift and forklift repairing services from the nearby warehousing and goods vehicle sale businesses in Kam Tin area. The Site has been registered under the Electrical and Mechanical Services Department's Voluntary Registration Scheme for Vehicle Maintenance Workshops and a Waste Producer under the Waste Disposal (Chemical Waste) (General) Regulation (Cap. 354);
- (b) the workshop activities are conducted within a semi-enclosed structure (with removable tarpaulin) to minimise potential environmental nuisances arising from the applied uses. Also, the applied uses involve infrequent trip generation and sufficient vehicle manoeuvring space is provided within the Site. Hence, the applied uses will not cause any adverse traffic and environmental impacts on the surrounding areas; and
- (c) the unauthorized structure(s) at Lot 1373 in D.D. 109 as mentioned by Lands Department (LandsD) has been demolished in November 2025, and the applicant will apply to LandsD for Short Term Waiver for the covered workshop structure, upon the approval of the subject planning application.

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 posting site notices and sending notice to the Pat Heung

Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site is the subject of a planning enforcement case (No. E/YL-KTN/746) against Unauthorized Development (UD) involving storage use (**Plan A-2**). Enforcement Notice was issued on 12.9.2025 requiring discontinuation of the UD by 12.12.2025. Since UD has not been discontinued upon expiry of the notice, prosecution action is being undertaken.

5. **Previous Applications**

The Site is involved in two previous applications No. A/YL-KTN/779 and 959 for temporary animal boarding establishment and warehouse uses respectively which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 and 2023 respectively, and its considerations are not relevant to the current application due to different uses involved. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Application**

There is no similar application for temporary vehicle repair workshop and rural workshop within the same "AGR" zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) currently hard-paved, fenced-off, erected with some temporary structures and used for applied uses without valid planning permission; and
- (b) accessible from Kong Po Road.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses (including two sites with valid planning permissions), vehicle repair workshop (without planning permission), residential structures, farmland, grassland and vacant land. To the further north is the village settlements of Cheung Kong Tsuen separated by the open storage/storage yards/warehouses in between. Across Kong Po Road, Kam Tin North River and Kam Tai Road is a low-rise residential development within the "Residential (Group C)2" zone, namely Seasons Monarch (四季名園).

8. **Planning Intention**

8.1 The planning intention of the "AGR" zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is

also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

- 8.2 According to the Explanatory Statement of the OZP for the “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments 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 at **Appendices III** and **IV** respectively.
- 9.2 The following government departments have adverse comments on or do not support the application:

Land Administration

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

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agriculture Lot(s) 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) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or uses on Lot No. 1373 in D.D. 109 covered by the application which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) advisory comments are at **Appendix IV**.

Environment

- 9.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective;
- (b) based on the applicant’s submission, the applied uses would not involve dusty operation but would involve use of heavy vehicles (i.e. goods vehicles exceeding 5.5 tonnes but not exceeding 9 tonnes). According to his review, there are residential structures within 100m from the boundary of the Site. As such, according to the revised

‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’), it is anticipated that the applied uses would cause environmental nuisance to the residential structures nearby;

- (c) no comment on the proposed filling of land;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

9.2.3 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. The agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective as the Site has been paved.

10. Public Comments Received During Statutory Publication Period

On 9.6.2026, the application was published for public inspection. During the statutory public inspection period, 10 public comments were received. Three comments including one from Kadoorie Farm and Botanic Garden Corporation and two from individuals provide views on the application that the applied uses may cause land contamination on the surrounding areas; the Committee should ascertain if there is any UD within the Site; and thorough planning for the area should be carried out before granting the planning permission for the current application. The remaining seven comments from individuals object to the application mainly on the grounds that the application is not in line with the planning intention of the “AGR” zone; the applied uses are heavy industrial uses which will cause adverse drainage, traffic, fire safety and environmental impacts on the surrounding areas; and the Site has been used for the applied uses without planning permission (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary vehicle repair workshop and rural workshop with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the applied uses are not in line with the planning intention of the “AGR” zone and DAFC does not support the application

from agricultural perspective, taking into account the planning assessments below, there is no objection to the applied uses with associated filling of land on a temporary basis of three years.

- 11.2 Filling of land in the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department has no objection to the application from drainage perspective, and DEP has no comment on the applied filling of land from environmental perspective. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The applied uses are considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouses (including two sites with planning permissions), vehicle repair workshop (without planning permission), residential structures/development, farmland, grassland and vacant land. 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 applied uses are not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied uses is not anticipated.
- 11.4 Whilst DEP does not support the application as the applied uses involve use of heavy vehicles and there are sensitive receivers in the vicinity of the Site, according to the applicant, the workshop activities are conducted within a semi-enclosed structure, and peripheral fence wall of 2.5m in height is erected along the site boundary. Besides, the village settlements of Cheung Kong Tsuen and the low-rise residential development (i.e. Seasons Monarch) are separated by the existing open storage/storage yards/warehouses to the north of the Site and by Kam Tin North River and Kam Tai Road to the south of the Site respectively (**Plan A-2**), and the proposed vehicular access abuts Kong Po Road without passing through the concerned village settlements/residential structures. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the applied uses. The operation of the applied uses will also be subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD’s concerns on the unauthorized structures and/or uses on the concerned lot within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 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.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. **Planning Department's View**

- 12.1 Based on the assessments made in paragraph 11 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 three years until 24.7.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a 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 24.1.2027;
- (b) in relation to (a) above, the implementation of the 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 24.4.2027;
- (c) in relation to (b) above, the implemented drainage facilities 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 24.1.2027;
- (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 24.4.2027;
- (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;
- (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; and
- (h) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

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 applied uses with associated filling of land are not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 1.6.2026 and 5.6.2026
Appendix Ia	FI received on 16.7.2026
Appendix II	Previous applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2026**