

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1247

<u>Applicant</u>	: Mr. LAM Tung Man represented by R-riches Planning Limited
<u>Site</u>	: Lots 4122, 4123, 4124 and 4125 (Part) in D.D. 104 and Adjoining Government Land (GL), San Tam Road, Kam Tin, Yuen Long
<u>Site Area</u>	: About 1,483m ² (including GL of about 325m ² (21.9%))
<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>	: “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”)
<u>Application</u>	: Temporary Shop and Services and Eating Place with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services and eating place with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “OU(Railway Reserve)” 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). The Site is currently largely hard-paved, partly fenced-off, erected with some temporary structures and used for the applied uses without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from San Tam Road via a local track (**Plans A-1 to A-4a**). According to the applicant, the applied uses involve 11 structures of one to two storeys with height of not more than 7m and a total floor area of about 558m² for shop and services (such as real estate agencies, convenience stores, retail shops and fast food shops), eating places, ancillary offices, washrooms, rain shelters and storage rooms (**Drawing A-1**). 11 parking spaces for private car and one loading/unloading space for light goods vehicle are provided at the Site. No open storage, storage of dangerous goods or other workshop activities are involved at the Site. The operation hours for shop and services are between 9:30 a.m. and 7:30 p.m. daily, and those for eating place are between 9:30 a.m. and

9:00 p.m. daily, both including Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

1.3 The Site, in part or in whole, is involved in six previous applications (details in paragraph 5 below), including the last application No. A/YL-KTN/1026 for the same uses 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 2024, and the planning permission was subsequently revoked in 2026 due to non-compliance with approval conditions. Compared with the last application No. A/YL-KTN/1026, the current application is the same in terms of site area/boundary and similar layout with an increase in number of structures (+1/+10%) and a reduction in total floor area ($-4\text{m}^2/-0.7\%$).

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 24.6.2026 (**Appendix I**) and 29.6.2026
- (b) Further Information (FI) received on 27.7.2026* (**Appendix Ia**)
- (c) FI received on 4.8.2026* (**Appendix Ib**)

** 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 FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) the applied uses are intended to meet the pressing demand of the nearby residents and workers for shop and services and eating place. The temporary nature of the application would not frustrate the long-term planning intention of the “OU(Railway Reserve)” zone. The applied uses are not incompatible with the surrounding areas;
- (b) adverse impacts generated from the applied uses are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals;
- (c) it is noted that the Site is in close proximity to the gazetted scheme boundary of proposed Northern Link (NOL). As trip generation arising from the applied uses is minimal, adverse traffic impact on NOL Main Line during the implementation period is not envisaged. The applicant would maintain close coordination with MTR Corporation Limited to facilitate the railway development; and
- (d) the applicant undertakes to terminate the applied uses and vacate the Site upon land resumption by the Government for implementation of any government project.

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 notice and sending notice to the San Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the ‘Owner’s Consent/Notification’ Requirements’ are not applicable.

4. Background

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under Town Planning Ordinance will be undertaken.

5. Previous Applications

- 5.1 The Site, in part or in whole, is the subject of six previous applications (No. A/YL-KTN/419, 451, 592, 751, 941 and 1026). The considerations of application No. A/YL-KTN/419 for temporary open storage, which was approved with conditions by the Committee in 2013, are not relevant to the current application due to different use involved.
- 5.2 The remaining five applications for temporary shop and services with ancillary canteen (for applications No. A/YL-KTN/451, 592 and 751) or eating place (for applications No. A/YL-KTN/941 and 1026) were approved with conditions by the Committee between 2014 and 2024 mainly on the considerations that approving the application on a temporary basis would not frustrate the long-term planning intention of the “OU(Railway Reserve)” zone; the proposed/applied use(s) was not incompatible with the surrounding areas; and the relevant departments consulted generally had no adverse comment or their concerns and public comments, if any, could be addressed by approval conditions. All the planning permissions were subsequently revoked between 2016 and 2026 due to non-compliance with approval conditions. For the last application No. A/YL-KTN/1026 for the same uses, it was submitted by the same applicant as the current application, and the planning permission was revoked in 2026 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals. Compared with the last application No. A/YL-KTN/1026, the current application involves changes in the scheme as mentioned in paragraph 1.3 above. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is a similar application No. A/YL-KTN/1116 for temporary eating place within the same “OU(Railway Reserve)” zone in the vicinity of the Site in the past five years. The similar application was approved with conditions by the Committee in 2025 mainly on

the similar considerations as mentioned in paragraph 5.2 above. Details of the similar applications 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-4b)

7.1 The Site is:

- (a) accessible from San Tam Road via a local track; and
- (b) currently largely hard-paved, partly fenced-off, erected with some temporary structures and used for the applied uses without valid planning permission.

7.2 The surrounding areas are rural in character with an intermix of storage yards, warehouses¹, parking of vehicles, hobby farm, residential structures, grassland, farmland and vacant land to the north, east and south of the Site, whereas to the west are San Tam Road, which is about 30m from the Site, and San Tin Highway (**Plans A-1 to A-3**).

8. Planning Intention

The planning intention of the “OU(Railway Reserve)” zone is primarily for railway development. According to the Explanatory Statement of OZP, the “OU(Railway Reserve)” zone is for the proposed NOL².

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 specific views on the application:

Railway Development

9.2.1 Comments of the Chief Engineer/Railway Development 1-1, Highways Department (CE/RD1-1, HyD):

- (a) no adverse comment on the application from railway development viewpoint;

¹ A planning application (No. A/YL-KTN/1222) for temporary warehouse (excluding dangerous goods godown) with ancillary open storage of construction materials and facilities is submitted for the consideration of the Committee at the same meeting.

² The scheme of NOL Main Line (**Plan A-2**) has been authorized under the Railways Ordinance (Cap. 519) on 8.4.2025.

- (b) the Site is located outside the authorized scheme boundary of NOL Main Line; and
- (c) advisory comments are at **Appendix IV**.

9.2.2 Comments of the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD):

the Site does not overlap with any authorized railway project nor gazetted proposed railway project currently being handled by his office.

Project Interface

9.2.3 Comments of the Chief Engineer 6/Major Works, HyD (CE6/MW, HyD):

according to the latest gazetted Northern Metropolis Highway (NMH) alignment, the Site falls within the works area of the proposed NMH (San Tin Section). The main construction works is planned for commencement in 2027, subject to funding approval.

10. Public Comment Received During Statutory Publication Period

On 3.7.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the approval conditions under the previous application No. A/YL-KTN/1026 were not complied with (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services and eating place with ancillary facilities for a period of three years at the Site zoned “OU(Railway Reserve)” (**Plan A-1**). Whilst the applied uses are not in line with the planning intention of the “OU(Railway Reserve)” zone, CE/RD1-1, HyD and CES/RD, LandsD have no adverse comment on the application and advise that the Site does not fall within the authorized scheme boundary of NOL Main Line (**Plan A-2**) or other authorized/proposed railway project. In this regard, it is considered that approving the application on a temporary basis would not frustrate the long-term planning intention of the “OU(Railway Reserve)” zone. Besides, according to the applicant, the applied uses are intended to meet the demand for such uses from the locals. Taking into account the above and the planning assessments below, there is no objection to the applied uses on a temporary basis for a period of three years.
- 11.2 The applied uses are considered not incompatible with the surrounding areas which are rural in character with an intermix of storage yards, warehouses, parking of vehicles, hobby farm, residential structures, grassland, farmland, vacant land and roads. 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.

- 11.3 From project interface perspective, whilst CE6/MW, HyD advises that the Site falls within the works area of the proposed NMH (San Tin Section) project, the applicant undertakes to terminate the applied uses and vacate the Site upon land resumption by the Government for implementation of any government project. Should the Committee decide to approve the application, the applicant will be advised to terminate the applied uses and vacate the Site upon request by the relevant government departments for the implementation of NMH (San Tin Section) project at any time during the planning approval period.
- 11.4 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 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the applied uses.
- 11.5 The Site, in part or in whole, is the subject of five approved previous applications involving various temporary shop and services and/or eating place, including the last application No. A/YL-KTN/1026 submitted by the same applicant for the same uses with some changes in development parameters as detailed in paragraphs 1.3 and 5.2 above. Whilst the planning permission under the last application was revoked due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals, in support of the current application, the applicant has submitted the drainage and FSIs proposals, and the submitted FSIs proposal is considered acceptable 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.
- 11.6 There is also an approved similar application for temporary eating place within the same "OU(Railway Reserve)" 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.
- 11.7 Regarding the public comment 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 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 three years until 14.8.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

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 14.2.2027;
- (b) in relation to (a) above, 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 14.5.2027;
- (c) in relation to (b) above, the implemented drainage facilities 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 14.5.2027;
- (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) 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 applied uses are not in line with the planning intention of the "OU(Railway Reserve)" zone which is primarily for railway 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 with attachments received on 24.6.2026 and 29.6.2026
Appendix Ia	FI received on 27.7.2026
Appendix Ib	FI received on 4.8.2026
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
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
AUGUST 2026**