

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1250

<u>Applicant</u>	: Promise Luck Limited represented by Miss WAI Siu Yiu
<u>Site</u>	: Lot 1198 S.A RP (Part) in D.D. 109, Kam Tin North, Yuen Long
<u>Site Area</u>	: About 1,980m 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>	: “Village Type Development” (“V”) <i>[restricted to a maximum building height (BH) of 3 storeys (8.23m)]</i>
<u>Application</u>	: Proposed Temporary Shop and Services (Metal Scaffolds) with Ancillary Office for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (metal scaffolds) with ancillary office for a period of three years at the application site (the Site), which falls within an area zoned “V” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) is a Column 2 use under the “V” zone which requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard-paved and used for open storage of metal scaffolds without planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Kong Tai Road (**Plans A-2 and A-3**). According to the applicant, the proposed use involves an open-air area of about 150m² (7.6% of the Site) for displaying assembled metal scaffolding (about 4m in height), an open storage area of about 1,057m² (53.4% of the Site) for storing metal scaffolds and parts with a maximum stacking height of 5m, and a single-storey structure of not more than 5m in height and floor area of about 15m² for ancillary office (**Drawing A-1**). An area of about 100m² as buffer area is also proposed at the Site (**Drawing A-1**). Peripheral fencing of 3m in height with sound-proofing materials with surface density of not less than 10kg/m² will be erected along the southwestern boundary of the Site. No welding, cleansing, spraying, repairing or other workshop activities will be involved at the Site, and no open

storage/parking of vehicles at the buffer area at all times. Three parking spaces for private car, three parking spaces for light goods vehicle and one loading/unloading (L/UL) space for crane lorry of 30 tonnes in maximum will be provided within the Site. The operation hours will be between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

1.3 The Site is involved in two previous applications (details at paragraph 6 below) including the last application No. A/YL-KTN/1057 for proposed temporary shop and services use (convenience stores, retail shops, medical consulting rooms, barber shops, beauty parlours, etc.) for a period of five years submitted by a different applicant which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in December 2024. The planning permission under application No. A/YL-KTN/1057 was subsequently revoked in March 2026 due to non-compliance with approval conditions. Compared with the last application, the current application mainly involves changes in the layout and the types of shop and services, decreases in site area (-534m²/-20.2%), total floor area (-733m²/-98%), number of structures (-5/-83%), increase in parking spaces for LGV (+3) and change in the type of L/UL space from LGV to crane lorry.

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

- (a) Application Form with attachments received on 22.6.2026 (**Appendix I**) and 30.6.2026
- (b) Further Information (FI) received on 30.7.2026* (**Appendix Ia**)
- (c) FI received on 10.8.2026* (**Appendix Ib**)
- (d) FI received on 11.8.2026* (**Appendix Ic**)

** 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 **Ic**, and can be summarised as follows:

- (a) the proposed use is for rental and sale of metal scaffolds which involves displaying of assembled metal scaffolding and storage of new metal scaffolds and parts in open-air areas within the Site. The display of assembled metal scaffolding is necessary to provide on-site demonstrations of the scaffold design and assembly methods to the customers such as private engineering firms and consultants appointed by the Government;
- (b) the proposed use is temporary in nature which will not frustrate the long-term planning intention of the Site. The applicant undertakes to relocate the proposed use to a permanent site within the approval period should the Committee approve the current application; and

- (c) the proposed use will generate infrequent trips. The applicant will also strictly comply with relevant environmental, safety and land-use regulations and requirements, and implement mitigation measures such as regular cleaning within the Site, as well as water spraying system and tree planting along the Site boundary to minimise the impact on the surrounding areas. Besides, a drainage proposal has been submitted in support of the 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 publishing newspaper notice and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application, since the proposed use involves display and storage of metal scaffolds in open areas with a total area of about 1,207m² (61% of the Site) which is akin to open storage use¹. The Site falls within Category 4 areas under TPB PG-No. 13G, and the relevant extracts of which are at **Appendix II**.

5. Background

The Site is subject to active planning enforcement action (No. E/YL-KTN/774) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice was issued on 2.7.2026 requiring discontinuation of the UD. If the notice is not complied with, prosecution action would be considered.

6. Previous Applications

- 6.1 The Site is involved in two previous applications No. A/YL-KTN/168 and 1057. Application No. A/YL-KTN/168 involving a larger area for 74 houses (other than NTEH) and minor relaxation of BH restriction from 8.23 to 9m which was rejected by the Board upon review in 2004 and its considerations are not relevant to the current application due to different use involved.

¹ According to TPB PG-No. 13G, ‘Open Storage’ uses relate to activities carried out on a site for which the greater part of the site (generally assumed to be more than 50%) is uncovered and used for storage, repair or breaking other than container related uses. It also includes open storage use with on-site commercial activities, e.g. display and sale of vehicles.

6.2 Application No. A/YL-KTN/1057 for proposed temporary shop and services use (convenience stores, retail shops, medical consulting rooms, barber shops, beauty parlours, etc.) for a period of five years submitted by a different applicant was approved with conditions by the Committee in December 2024 mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of “V” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or the concerns and public comments, if any, could be addressed by approval conditions. The planning permission under application No. A/YL-KTN/1057 was subsequently revoked in March 2026 due to non-compliance with approval conditions, and it is noted that the approved scheme under the said application was not implemented. The differences between the last application and the current application are detailed in paragraph 1.3 above. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. **Similar Applications**

There are four similar applications for temporary shop and services (including one also involving public vehicle park) within the same “V” zone in the past five years. All these applications were approved with conditions by the Committee between 2021 and 2026 mainly on the similar considerations as mentioned in paragraph 6.2 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently fenced-off, hard-paved and used for the open storage of metal scaffolds without planning permission; and
- (b) accessible from Kong Tai Road.

8.2 The surrounding areas are rural in character with an intermix of residential structures/village houses (the closest is about 5m to the immediate southwest), open storage/storage yards (without valid planning permission, including two sites to the east across Kong Tai Road and immediate west of the Site under on-going applications No. A/YL-KTN/1251 and 1252 respectively for temporary open storage use, which are submitted by the same applicant as the current application and to be considered at the same meeting, and a site to its immediate east subject to active planning enforcement action No. E/YL-KTN/773 for storage use (**Plan A-2**)), village office, grassland and vacant land. To the southwest across Kam Tin Bypass are the village settlements of Kam Tin Shing Mun San Tsuen and Tai Hong Wai. To the further east across Kong Tai Road is the low-rise residential development namely Seasons Monarch (四季名園) within the “Residential (Group C)2” zone.

9. **Planning Intention**

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

10. **Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 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 IV** and **V** respectively.

10.2 The following government department conveyed local view on the application:

District Officer’s comments

Comments of the District Officer (Yuen Long), Home Affairs Department (DO (YL), HAD):

- (a) a comment from an individual was received objecting to the application mainly on the grounds that the Site involves ‘destroy first, built later’ activities and the Site should be reinstated to its original state; the applied use will cause adverse environmental, traffic and drainage impacts on the surrounding areas; and lease enforcement actions should be undertaken; and
- (b) he has no particular comment on the application.

11. **Public Comments Received During Statutory Publication Period**

On 3.7.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals objecting to the application mainly on the grounds that the proposed use is a disguise for the intended brownfield operation currently taking place at the Site; the proposed use is not in line with the planning intention of “V” zone; the approval conditions under the previous approval were not complied with; the proposed use involving storage of construction materials, the use of crane lorry and hard-paved surface will cause adverse environmental, visual, traffic and drainage impacts on the surrounding areas (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary shop and services (metal scaffolds) with ancillary office for a period of three year at the Site zoned “V” (**Plan A-1**). The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The proposed use occupying an area of about 1,980m² with extensive open areas of about 1,207m² (61% of the Site) for displaying and storage of scaffolds and an ancillary office with a floor area of about 15m² (site coverage of about 0.8%), is open storage use by nature and considered not in line with the planning intention of the “V” zone since the applicant has not provided any information to prove that the proposed use is genuinely intended to serve the needs of the villagers and the local community. There is no strong planning justification given in the submission for a departure of the planning intention, even on a temporary basis.
- 12.2 The Site is currently fenced-off, hard-paved and currently used for open storage of metal scaffolds without valid planning permission and subject to active planning enforcement action (**Plans A-2 to A-4b**), and the surrounding areas are rural in character with an intermix of residential structures/village houses (the closest is about 5m to the immediate southwest (**Plans A-2 and A-3**)), village office, grassland and vacant land. Although there are open storage/storage yards in the vicinity of the Site, including two sites to the east across Kong Tai Road and immediate west under on-going applications No. A/YL-KTN/1251 and 1252 respectively, which are submitted by the same applicant as the current application and to be considered at the same meeting as well as a site to its immediate east (**Plan A-2**), they are confirmed/suspected UD's subject to planning enforcement actions by the Planning Authority. The applied use involving open storage, use of heavy vehicles (i.e. crane lorry) and stacking of metal scaffolds up to 5m high in maximum is considered not compatible with the surrounding areas.
- 12.3 The current application with about 61% open areas for displaying/storage of metal scaffolds is open storage in nature and hence, TPB PG-No. 13G is applicable. The Site falls within Category 4 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 4 areas: applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning application and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Planning permission for a maximum period of three years may be allowed for an applicant to identify suitable sites for relocation.

- 12.4 Whilst the relevant government departments consulted, including the Commissioner for Transport, Director of the Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD), have no objection to or no adverse comment on the application, the application is considered not in line with TPB PG-No. 13G in that there is no previous or similar planning permission granted for the Site or sites within the same “V” zone for open storage or uses involving substantial open storage uses, and there are local objections.
- 12.5 Although previous approval under application No. A/YL-KTN/1057 for temporary shop and services has been granted at the Site, the approved scheme under the application involved no open storage use and was not implemented. The Site is currently used for open storage of metal scaffolds which is subject to active planning enforcement action (**Plan A-2**).
- 12.6 Regarding the local view conveyed by DO(YL), HAD and public comments as mentioned in paragraphs 10.2 and 11 respectively, the departmental comments and planning assessments above are relevant.

13. **Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the local view and public comments mentioned in paragraphs 10.2 and 11 above respectively, PlanD does not support the application for the following reasons:
 - (a) the proposed use of open storage in nature is not in line with the planning intention of the “Village Type Development” zone, which is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects, and land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
 - (b) the proposed use is not compatible with the surrounding land uses; and
 - (c) the proposed use is not in line with the Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) in that there is no previous approval granted for open storage use at the site and there are local objections.
- 13.2 Alternatively, 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 year until 14.8.2029. 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 14.5.2027;
- (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 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 14.2.2027;
- (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 14.5.2027;
- (e) the submission of a run-in/out proposal at Kong Tai Road within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 14.2.2027;
- (f) in relation to (e) above, the implementation of the run-in/out proposal at Kong Tai Road within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the TPB by 14.5.2027;
- (g) 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
- (h) if any of the above planning condition (a), (c), (d), (e) or (f) 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 V**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with attachments received on 22.6.2026 and 30.6.2026
Appendix Ia	FI received on 30.7.2026
Appendix Ib	FI received on 10.8.2026
Appendix Ic	FI received on 11.8.2026
Appendix II	Relevant extracts of TPB PG-No. 13G
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public Comments
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 A-4b	Site photos

**PLANNING DEPARTMENT
AUGUST 2026**