

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1256

- Applicant** : Jacok Development Co. Limited represented by R-riches Planning Limited
- Site** : Lot 474 (Part) in D.D. 109, Kam Tin North, Yuen Long
- Site Area** : About 1,293m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Village Type Development” (“V”)
[restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Shop and Services and Public Vehicle Park (Excluding Container Vehicle) with Ancillary Facilities for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary shop and services and public vehicle park (excluding container vehicle) with ancillary facilities for a period of five 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 for the “V” zone, ‘Shop and Services’ (being not on the ground floor of a New Territories Exempted House (NTEH)) 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 fenced-off, hard-paved, partly vacant, partly 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 Kam Tin Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied uses involve four structures of not more than two storeys (height of not more than 7m) with a total floor area of about 351m² for shop and services (real estate and property management services), ancillary office, washroom and guardhouse; and 15 parking spaces for private car for public vehicle park and one loading/unloading (L/UL) space for light goods vehicle (LGV) supporting the shop and services use. Peripheral fencing of about 2.5m in height is erected along the site boundary on all sides to minimise potential nuisance. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers are allowed to enter/exit the Site, and no storage of

dangerous goods will be involved at the Site at all times during the planning approval period. The operation hours for shop and services are between 9:00 a.m. and 7:00 p.m. daily, while the public vehicle park are operated 24 hours 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 is the subject of three previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/922 for temporary public vehicle park submitted by a different applicant which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023, and the planning permission lapsed on 29.7.2026. Compared with the last application No. A/YL-KTN/922, the current application involves increase in site area (+66m²/+5.4%) and number of parking spaces for private car (+3/+25%); reduction in number of L/UL spaces for LGV (-4/-80%); addition of shop and services use and four structures; and consequential changes to the layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 8.7.2026 **(Appendix I)**
 - (b) Further Information (FI) received on 27.7.2026* **(Appendix Ia)**
 - (c) FI received on 21.8.2026* **(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 serve the nearby residents and to meet the local demand for car parking spaces in the area. The temporary nature of the applied uses will not frustrate the long-term planning intention of the “V” zone. The applied uses are not incompatible with the surrounding areas; and
- (b) sufficient space will be provided for vehicles to manoeuvre smoothly within the Site. Adverse impacts on the surrounding areas are not anticipated. In support of the current application, the applicant has submitted a condition record of the existing drainage facilities.

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 Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Applications**

- 5.1 The Site is the subject of three previous applications (No. A/YL-KTN/641, 764 and 922). The considerations of application No. A/YL-KTN/641 for temporary eating place, which was approved with conditions by the Committee in 2019, are not relevant to the current application due to different use involved.
- 5.2 Applications No. A/YL-KTN/764 and 922 for temporary public vehicle park submitted by a different applicant from the current application were approved with conditions by the Committee in 2021 and 2023 respectively, mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “V” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or their concerns and public comments, if any, could be addressed by approval conditions. The planning permission under application No. A/YL-KTN/764 was revoked in 2022 due to non-compliance with approval conditions related to submission and/or implementation of drainage and fire service installations proposals. For the last application No. A/YL-KTN/922, all approval conditions have been complied with and the planning permission lapsed on 29.7.2026. Compared with the last application No. A/YL-KTN/922, 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 Applications**

- 6.1 There are six similar applications (No. A/YL-KTN/796, 1048, 1057, 1065, 1199 and 1250) for temporary shop and services and/or public vehicle park within the same “V” zone in the vicinity of the Site in the past five years. Amongst them, application No. A/YL-KTN/1250, which was open storage in nature with extensive open areas for display/storage of metal scaffolds, was rejected by the Committee in August 2026 mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “V” zone; the proposed use was not compatible with the surrounding areas; and the proposed use was 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).
- 6.2 The remaining five applications were approved with conditions by the Committee between 2021 and 2026 mainly on the similar considerations as mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

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

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, warehouse, grassland and vacant land within the same “V” zone, while to the northeast is the low-rise residential development namely Seasons Monarch (四季名園) within the “Residential (Group C)2” zone (**Plan A-2**).

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized 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.

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 at **Appendices III** and **IV** respectively.

9.2 The following government department supports the application:

Traffic

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

- (a) supports the application from traffic engineering perspective to address the local demand; and
- (b) advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 17.7.2026, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary shop and services and public vehicle park (excluding container vehicle) with ancillary facilities for a period of five years at the Site zoned “V” (**Plan A-1**). Whilst the applied uses are not entirely in line with the planning intention of the “V” zone, according to the applicant, the applied uses are intended to meet the demand for such uses from the local and C for T supports the application as it could help address the local parking demand. The District Lands Officer/Yuen Long, Lands Department advises that there is no Small House grant application approved or under processing at the Site. It is considered that approving the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Taking into account the above and planning assessments below, there is no objection to the applied uses on a temporary basis for a period of five years.
- 11.2 The applied uses are considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, warehouse, grassland, vacant land, and low-rise residential development. 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 Other relevant government departments consulted, including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, 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.
- 11.4 The Site is the subject of two approved previous applications for temporary public vehicle park as detailed in paragraph 5.2 above. Whilst the planning permission under application No. A/YL-KTN/764 was revoked due to non-compliance with approval conditions, it was submitted by a different applicant from the current application. For the last application No. A/YL-KTN/922 also submitted by a different applicant, all approval conditions have been complied with. Besides, there are five approved similar applications for temporary shop and services and/or public vehicle park within the same “V” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.2 above. Although there is a rejected similar application No. A/YL-KTN/1250, the application is open storage in nature with extensive open areas for display/storage of metal scaffolds and its

planning circumstances and considerations are not relevant to the current application. Hence, approving the current application is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 28.8.2031. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.11.2026;
- (b) the existing 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 the Town Planning Board by 28.2.2027;
- (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 28.5.2027;
- (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 applied uses are not in line with the planning intention of the "V" zone, which 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.

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 8.7.2026
Appendix Ia	FI received on 27.7.2026
Appendix Ib	FI received on 21.8.2026
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
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**