

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1254

<u>Applicant</u>	: Promise Luck Limited represented by Miss WAI Siu Yiu
<u>Site</u>	: Lots 1047 S.A and 1049 S.B RP (Part) in D.D. 109, Kam Tin North, Yuen Long
<u>Site Area</u>	: About 1,756m 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 Open Storage of Second-hand Private Cars and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of second-hand private cars 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 and used for the applied use without planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Tai Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves a total area of about 725m² (about 41% of the Site) for open storage of 58 private cars, with the remaining areas for vehicular access (740m² or 42% of the Site) and idle land (291m² or 17%) (**Drawing A-1**). No structure is proposed within the Site. The applicant also applies for regularisation of filling of land for the entire Site with gravels of not more than 0.4m in depth (to levels of not more than 13.4mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral metal fencing of 2.4m in height is erected along the site boundary on all sides. No excavation of land, storage of dangerous goods, repairing, welding, spraying, dismantling or other workshop activities will be involved at 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. 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 25.6.2026 (**Appendix I**)
- (b) Further Information (FI) received on 30.7.2026* (**Appendix Ia**)
- (c) FI received on 10.8.2026* (**Appendix Ib**)
- (d) FI received on 12.8.2026# (**Appendix Ic**)

** accepted and exempted from publication and recounting requirements*

accepted but not 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) no long-term storage at the Site is anticipated as only second-hand licensed private cars will be stored at the Site pending for sale/vehicle inspection;
- (b) sufficient maneuvering space will be provided within the Site and the applied use will generate infrequent trips. The Site is not within the flood-prone area but the applicant has submitted a drainage proposal and will implement the drainage-related mitigation measures to ensure that the applied use will not cause adverse drainage impact on the surrounding areas. The applicant is also ready to comply with the approval conditions should the application be approved by the Rural and New Town Planning Committee (the Committee) of the Board;
- (c) considering the Site is situated within the Tai Kong Po Site of Archaeological Interest (SAI), no excavation of land will be involved within the Site to avoid causing any archaeological impact; and
- (d) regarding the concerns of the Lands Department, the applicant will apply for Short Term Waiver to rectify the lease breaches on the Site.

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 obtaining consent from the ‘current land owner’. 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. The Site falls within Category 3 areas under TPB PG-No. 13G, and the relevant extracts of which are at **Appendix II**.

5. **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 taken.

6. **Previous Application**

There is no previous application at the Site.

7. **Similar Application**

There is one similar application No. A/YL-KTN/1238 for temporary open storage of construction machineries and materials within the same “AGR” zone in the vicinity of the Site in the past five years, which was rejected by the Committee in July 2026 mainly on the grounds that the applied use was not in line with the planning intention of the “AGR” zone; it was not compatible with the surrounding land uses; it did not comply with TPB PG-No. 13G in that no previous planning approval had been granted to the site and there were adverse departmental comment and public objections. Details of the similar application are summarised in **Appendix III** and its location is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently hard-paved, fenced-off and used for the applied use without planning permission;
- (b) accessible from Kong Tai Road via a local track;
- (c) situated within the Tai Kong Po SAI (**Plans A-1 and A-2**); and
- (d) located in between the extensive active farmland clusters to its south and the woodland to its north.

8.2 The surrounding areas are rural in character with an intermix of open storage/storage yard/warehouse (without planning permission including a site to the northwest of the Site for temporary warehouse submitted by the same applicant as the current application under an on-going application No. A/YL-KTN/1263 (**Plan A-1**)), animal boarding establishment, parking of vehicles, scattered residential structures, hobby farm, grassland and vacant land (including a formed land to the immediate south and southwest of the Site for temporary

open storage under an on-going application No. A/YL-KTN/1259 (**Plan A-1**). Clusters of active farmland, greenhouse and plant nursery to the south of the Site extending to the further south in the inland “AGR” area are largely undisturbed by brownfield uses (**Plan A-3**). To the north of the Site is a vegetated knoll covered by woodland and designated as permitted burial ground in the “Green Belt” (“GB”) zone.

9. Planning Intention

- 9.1 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.
- 9.2 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.

10. Comments from Relevant Government Bureau and Departments

- 10.1 Apart from the government departments as set out in paragraph 10.2 below, other government bureau and 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 departments object to or do not support the application:

Land Administration

- 10.2.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):
 - (a) objects to the application;
 - (b) the Site comprises Old Schedule Agricultural Lots No. 1047 S.A and 1049 S.B RP both in D.D. 109 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 are unauthorized building works and/or uses on the private lot which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularize the lease breaches as demanded by LandsD; and
 - (d) advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

10.2.2 Comments of the Director of the 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 vehicles being parked at the time of inspection. The agricultural activities are active in the vicinity, and 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.

11. Public Comments Received During Statutory Publication Periods

On 3.7.2026 and 18.8.2026, the application and FI were published for public inspection. During the statutory public inspection periods, five public comments were received from individuals objecting to the application mainly on the grounds that there are active farming activities in the vicinity of the Site and there is no justification in the submission for the loss of agricultural land; the applied use is not in line with the planning intention of the “AGR” zone; the applied use will cause adverse archeological, traffic, environmental and drainage impacts on the surrounding land uses (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of second-hand private cars and associated filling of land for a period of three year at the Site zoned “AGR” (**Plan A-1**). The applied use and associated filling of land is not in line with the planning intention of the “AGR” zone, and the applicant also applies regularisation of filling of land for the entire Site with gravels with a considerable amount of the filled area (about 1,031m² / 58.7% of the Site) merely as an open area for vehicular maneuvering spaces for the open storage use and idle land (**Drawing A-1**). DAFC does not support the application from agricultural perspective as there are active agricultural activities and agricultural infrastructures in the vicinity of the Site and the Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. Taking into account the above and the assessments below, it is considered that no strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- 12.2 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 Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental planning perspectives respectively.

12.3 The Site is hard-paved and used for the applied use without valid planning permission. Although the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) notes that no tree was observed within the Site and considers that significant adverse landscape impact arising from the applied use is not anticipated, the Site is sandwiched between the active farmland, greenhouses, plant nurseries to its south extending further south within the inland area largely undisturbed by brownfield uses and woodland within the “GB” zone to its north (**Plans A-2 and A-3**). Whilst there are open storage/storage yards/warehouse in the vicinity of the Site, they are suspected unauthorized developments subject to planning enforcement actions (including a site to the northwest for temporary warehouse submitted by the same applicant as the current application under on-going application No. A/YL-KTN/1263 (**Plans A-1 and A-2**)). The applied use with associated filling of land is considered not compatible with the surrounding areas predominated by active farmland clusters and woodland. Approving the current application might attract similar applications within the area, and the cumulative impacts of which would result in a general degradation of the rural environment and character of the area.

12.4 The Site falls within Category 3 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions.

12.5 DLO/YL, LandsD objects to the application since there are unauthorized building works and/or uses on the private lot which are already subject to lease enforcement actions. Other relevant government bureau and departments consulted, including the Executive Secretary (Antiquities and Monuments) 2 of Antiquities and Monuments Office, Development Bureau, Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application.

12.6 The application is considered not in line with TPB PG-No. 13G in that no previous approval for the applied use has been granted at the Site and there are adverse comments from the relevant government departments and local objections. Besides, there is one similar rejected application within the same “AGR” zone in the vicinity of the Site as mentioned in paragraph 7 above, rejecting this application is in line with the Committee’s previous decision.

- 12.7 Regarding the public comments as mentioned in paragraph 11, 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 public comments mentioned in paragraph 11 above, PlanD does not support the application for the following reasons:
- (a) the applied use with associated filling of land is 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;
 - (b) the applied use with associated filling of land is not compatible with the surrounding land uses; and
 - (c) the applied use with associated filling of land does not in line with 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) in that no previous planning approval has been granted to the site; and there are adverse departmental comments and 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 9.10.2029. 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 9.4.2027;
- (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 9.7.2027;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the compliance with fire safety requirements 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 9.7.2027;
- (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;

- (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; and
- (g) 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 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 25.6.2026
Appendix Ia	FI received on 30.7.2026
Appendix Ib	FI received on 10.8.2026
Appendix Ic	FI received on 12.8.2026
Appendix II	Relevant extracts of TPB PG-No. 13G
Appendix III	Similar application
Appendix IV	Government bureau and departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	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
OCTOBER 2026**