

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1078

<u>Applicant</u>	: Mr. LAM Tung Man represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 913 RP (Part), 920 RP (Part) and 926 RP (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 1,624m 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>	: Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) for a period of three years and associated filling of land at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1a**). 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 partly fenced and hard paved, largely vacant and erected with some temporary structures (**Plans A-2 and A-4**).
- 1.2 The Site comprises two separate portions, with the western portion accessible from Mei Fung Road and the eastern portion accessible from its adjoining site to the north which is subject to an approved application (No. A/YL-KTN/1033) for proposed temporary warehouse submitted by the same applicant as the current application (**Plans A-1a, A-2 and A-3**). According to the applicant, the proposed use for storage of miscellaneous goods (such as packaged food, apparel, footwear, electronic goods and furniture) involves five structures of one to two storeys with heights of not more than 8.23m and a total floor area of about 662m² for warehouse and ancillary site office (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 737m² (45.4% of the Site) and proposed filling of land for about 876m² (53.9% of the Site) with concrete of not

more than 0.1m in depth (to a level of not more than 10.1mPD) for site formation and vehicular circulation (**Drawing A-2**). Two existing trees within the Site will be retained in-situ. No workshop activities will be involved. Four parking spaces for private car and two loading/unloading spaces for light goods vehicle will be provided at the Site. The proposed operation hours will be between 9:00 a.m. and 7:00 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 24.12.2024 (**Appendix I**) and 27.12.2024
- (b) Further Information (FI) received on 17.1.2025* (**Appendix Ia**)
- (c) FI received on 3.3.2025* (**Appendix Ib**)
- (d) FI received on 26.3.2025* (**Appendix Ic**)

** accepted and exempted from publication and recounting requirements*

1.4 On 14.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 to support the local warehousing and storage industries. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and similar applications were approved in the vicinity of the Site.
- (b) The applied filling of land is necessary to meet the operational needs. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) The eastern portion of the Site is accessible via its adjoining site of application No. A/YL-KTN/1033 approved for proposed temporary warehouse which will be operated by the same applicant as the current application. Consent for making access through the adjoining site has been obtained from the relevant lot owner.
- (d) Regarding the unauthorized structures within the Site, the applicant will follow up with Short Term Waiver (STW) application to the Lands Department (LandsD).

3. **Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is not a ‘current land owner’ but has complied with the requirements 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 Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

Major part of the Site is currently subject to active planning enforcement action (No. E/YL-KTN/698) against unauthorized development involving use for holiday camp, use for eating place, use for place for parking of vehicles and storage use (**Plan A-2**). Reinstatement Notice was issued on 25.2.2025 requiring reinstatement of Lots No. 913 RP (part) and 926 RP (part) by 25.5.2025. If the notice is not complied with, prosecution action would be considered.

5. **Previous Applications**

Various parts of the Site are involved in nine previous applications (No. A/YL-KTN/474, 520, 651, 665, 670, 772, 817, 859 and 876) with various site areas for temporary animal boarding establishment, temporary place of recreation, sports or culture (hobby farm, holiday camp and/or barbeque site), and temporary eating place, which were approved by the Committee between 2015 and 2023. Except for application No. A/YL-KTN/520, the planning permissions under all of these applications were subsequently revoked due to non-compliance with approval conditions. Considerations of these applications are not relevant to the current application due to different use involved. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. **Similar Applications**

- 6.1 There are 36 similar applications for temporary warehouse (including one renewal of temporary approval granted, 35 with filling of land/pond, and three also involving open storage use) within the same “AGR” zone in the vicinity of the Site in the past five years. All of these applications were approved with conditions by the Committee between 2020 and 2025 mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention or could be tolerated; the proposed/applied use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions.
- 6.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

- 6.3 A similar application No. A/YL-KTN/1100 for temporary warehouse with associated filling of land within the same “AGR” zone will be considered at the same meeting (**Plan A-1a**).

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

7.1 The Site is:

- (a) partly fenced and hard paved, largely vacant and erected with some temporary structures; and
- (b) comprising two separate portions, with the western portion accessible from Mei Fung Road and the eastern portion accessible from its adjoining site to the north which is subject to an approved application (No. A/YL-KTN/1033) for proposed temporary warehouse.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, parking of vehicles, restaurant (with valid planning permission under application No. A/YL-KTN/1055), residential structures, hobby farm, farmland, grassland and vacant land.

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 paragraphs 9.2 and 9.3 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 has adverse comments on the application:

Land Administration

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 Agricultural Lot Nos. 913 RP, 920 RP and 926 RP all in D.D. 107 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) Lot No. 926 RP in D.D. 107 is covered by STW No. 4477 for the purpose of Temporary Hobby Farm;
- (d) LandsD has reservation on the planning application since there are unauthorized structures and/or uses on Lot Nos. 913 RP and 920 RP in D.D. 107 which 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
- (e) if the planning application is approved, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within Lot Nos. 913 RP and 920 RP in D.D. 107. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

9.3 The following government department does not support the application:

Agriculture and Nature Conservation

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. 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.

10. Public Comments Received During Statutory Publication Period

On 31.12.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and an individual, both objecting to the application mainly on the grounds that the approval conditions under the previous applications at the Site were not complied with; it would turn the locality to brownfield area; and there may be potential impacts on the Agricultural Priority Areas (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP (**Plan A-1a**). Whilst the proposed use is 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 proposed use on a temporary basis of three years with associated filling of land.
- 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 Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. 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 proposed use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of open storage/storage yards, parking of vehicles, restaurant, residential structures, hobby farm, 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 considering that significant adverse landscape impact is not anticipated.
- 11.4 Regarding DLO/YL, LandsD’s concern on the unauthorized structures and/or uses on the concerned lots within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, who also considers the submitted FSIs proposal acceptable, 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. 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 proposed use.
- 11.5 There are 36 approved similar applications involving temporary warehouse use within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 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 2.5.2028. 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 2.11.2025;
- (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 2.2.2026;
- (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 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 2.2.2026;
- (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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed 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 given 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 24.12.2024 and 27.12.2024
Appendix Ia	FI received on 17.1.2025
Appendix Ib	FI received on 3.3.2025
Appendix Ic	FI received on 26.3.2025
Appendix II	Previous and similar 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-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2025**