

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/1101**

<b><u>Applicant</u></b>	: Mr TANG Chik Leung represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 935 (Part), 940 (Part), 941 (Part), 1121 (Part) and 1123 (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 744m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Temporary Open Storage of Construction Materials 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 construction materials 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 with some temporary structures without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Mei Fung Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use involves an open area of about 417m<sup>2</sup> (about 56% of the Site) for storage of construction materials (tiles, pipes, bricks, etc.) with a maximum stacking height of 2.5m, whilst the remaining area will be used for loading/unloading (L/UL) and vehicular circulation (**Drawing A-1**). No structure will be erected within the Site. The designated open storage area will be set back for about 1.5m from the existing water mains within and adjacent to the Site to provide waterworks reserve (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than

0.1m in depth (to a level of +14mPD) for open storage and vehicular circulation (**Drawing A-2**). One L/UL space for heavy goods vehicle will be provided within the Site. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, and storage of dangerous goods will be involved. The 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 13.3.2025 (**Appendix I**) and 18.3.2025

(b) Further information (FI) received on 25.4.2025 \* (**Appendix Ia**)

*\* 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 FI at **Appendices I** and **Ia**, and can be summarised as follows:

(a) The applied use can meet the pressing demand for open storage space in the New Territories. The temporary nature of the current application will not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding land uses and there were similar applications approved in the vicinity of the Site.

(b) The applied filling of land is necessary to meet the operational needs. Sufficient space is allowed for vehicle manoeuvring within the Site and infrequent trip generation is anticipated. Adverse impacts are not anticipated.

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

The applicant is not a ‘current land owner’ of the Site 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**

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. 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 2 areas under TPB PG-No. 13G, and relevant extracts of which are at **Appendix II**.

**6. Previous Application**

There is no previous application involving the Site.

**7. Similar Applications**

7.1 There are seven similar applications (No. A/YL-KTN/962, 994, 1018, 1019, 1040, 1050 and 1054) for temporary open storage (including three also involving warehouse use) with filling of land 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 Rural and New Town Planning Committee (the Committee) of the Board between 2023 and 2025 mainly on the considerations that the proposed/applied use on a temporary basis could be tolerated; the proposed/applied use was not incompatible with the surrounding land uses; the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions; and the application was in line with TPB PG-No. 13G.

7.2 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 Area (Plans A-1 to A-4)**

8.1 The Site is:

- (a) currently hard paved, fenced-off and used for the applied use with some temporary structures without valid planning permission; and
- (b) accessible from Mei Fung Road via a local track.

8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards (including a site with valid planning permission under application No. A/YL-KTN/1040), warehouses, parking of vehicles, vehicle repair workshop, animal boarding establishment, scattered residential structures, grassland and vacant land.

## **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 Departments**

- 10.1 Apart from the government departments 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 departments do not support the application:

### **Environment**

#### **10.2.1 Comments of the Director of Environmental Protection (DEP):**

- (a) does not support the application from environmental planning perspective;
- (b) based on the information provided, the applied use would not involve dusty operation but it would involve the use of heavy vehicle (i.e. heavy goods vehicle). There are residential structures within 100m from the boundary of the Site. As such, according to the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’), it is anticipated that the applied use would cause environmental nuisance to the residential structures nearby;
- (c) no comment on the applied filling of land;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) advisory comments are at **Appendix V**.

### **Agriculture and Nature Conservation**

#### **10.2.2 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 with some sundries. 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 Comment Received During Statutory Publication Period**

On 21.3.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary open storage of construction materials and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the applied 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 applied use with associated filling of land on a temporary basis of three years.
- 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 has no objection to the application from public drainage perspective and DEP has no comment on the applied filling of land from environmental perspective. 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.
- 12.3 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, warehouses, parking of vehicles, vehicle repair workshop, animal boarding establishment, scattered residential structures 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 adverse landscape impact is not anticipated.
- 12.4 DEP does not support the application as the applied use involves the use of heavy vehicles and there are sensitive receivers in the vicinity of the Site. Nevertheless, there was no environmental complaint received against the Site in the past three years. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the applied use should the application be approved by the Committee. The operation

of the applied use is also subject to the relevant pollution control ordinances.

- 12.5 The Site falls within Category 2 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 2 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. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.6 The application is considered generally in line with TPB PG-No. 13G in that, except for DEP, the relevant government departments consulted including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application. DEP's concerns can be addressed as mentioned in paragraph 12.4 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.7 There are seven approved similar applications within the same "AGR" zone in the vicinity of the Site as mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee's previous decisions.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above, PlanD has no objection to the application.
- 13.2 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 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 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 provision of fire extinguisher(s) with a valid fire certificate within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.6.2025;
- (e) 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 2.11.2025;
- (f) in relation to (e) 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 2.2.2026;
- (g) 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;
- (h) if any of the above planning condition (a), (b), (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; and
- (i) 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 attached at **Appendix V**.

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

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 given in the submission for a departure from the planning intention, even on a temporary basis.

## **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 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.
- 14.3 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.

**15. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 13.3.2025 and 18.3.2025
<b>Appendix Ia</b>	FI received on 25.4.2025
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 13G
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Government department's general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Fire Services Department's good practice guidelines for open storage sites
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2025**