

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1060

- Applicant** : Mr. Tang Wai Pui
- Site** : Lot 480 (Part) in D.D. 106, Kam Tin South, Yuen Long, New Territories
- Site Area** : About 1,432.6m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/15
- Zoning** : “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) *[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]*
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “OU(RU)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently fenced-off, hard paved, partly vacant and partly occupied by a workshop without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Plans A-2 and A-3**), with an ingress/egress of 7m wide at the north-eastern corner of the Site. According to the applicant, the proposed use involves three single-storey structures (not more than 8m in height) with a total floor area of about 611.2m² for warehouse (storage of vehicles, metals, vehicles parts, plastic pipes, machinery and construction materials) and ancillary office uses. No dangerous goods will be stored and no workshop activities will be carried out at the Site. Three private car parking spaces and three loading/unloading spaces for light goods vehicles as well as sufficient manoeuvring space will be provided within the Site. 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. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with attachments received on 22.1.2025 (Appendix I)
- (b) Further Information (FI) received on 21.3.2025* (Appendix Ia)
- (c) FI received on 1.4.2025* (Appendix Ib)

**accepted and exempted from publication and recounting requirements*

1.4 On 14.3.2025, 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 FI at **Appendices I and Ib**. They can be summarised as follows:

- (a) The proposed use could serve the strong demand for relocation of storage use due to implementation of New Development Areas (NDAs) and rezoning proposals in Yuen Long area.
- (b) The proposed use is not incompatible with the surrounding areas and its temporary nature would not frustrate the long-term planning intention of the “OU(RU)” zone.
- (c) All the private car parking spaces at the Site are reserved for staff only and sufficient manoeuvring space will be provided within the Site. Adverse traffic, drainage and environmental impacts are not anticipated.

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 publishing notices in local newspapers and sending notice to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member’s inspection.

4. Town Planning Board Guidelines

4.1 *The Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 38) are relevant to the application. The relevant assessment criteria are summarised as follows:*

Application for development within “OU(RU)” zone would need to demonstrate that the proposed development is in line with the planning intention of the zone and will not adversely affect the rural environment, the conservation of the rural

landscape and the maintenance of the rural character of the area and its surroundings and will not overstrain the capacity of existing and planned infrastructure such as transport, drainage, sewerage and water supply in the area. Each development proposal will be assessed on its individual merits, with particular reference to its sustainability in ecological, environmental and infrastructural terms.

4. 5 Background

The Site is currently subject to active planning enforcement action (No. E/YL-KTS/510) against unauthorized development (UD) involving storage use (including deposit of containers), use for place for parking of vehicles and workshop use (**Plan A-2**). Enforcement Notice was issued in August 2024 and the case is under close monitoring due to ownership issues.

5. 6 Previous Application

There is no previous application covering the Site.

6. 7 Similar Application

~~6.1~~ **7.1** There is no similar application within the same “OU(RU)” zone in the vicinity of the Site.

~~6.2~~ **7.2** Applications No. A/YL-KTS/1056 to 1059 submitted by the same applicant as the current application for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years around the Site within the same “OU(RU)” zone will be considered at the same meeting (**Plan A-1**).

7. 8 The Site and Its Surrounding Areas (Plans A-1 to A-4)

~~7.1~~ **8.1** The Site is:

- (a) accessible from Kam Sheung Road via a local track; and
- (b) currently fenced-off, hard paved, partly vacant and partly occupied by a workshop without valid planning permission.

~~7.2~~ **8.2** The surrounding areas are occupied predominantly by open storage/storage yards, parking of vehicles, warehouses, vehicle repair workshops, vacant land and scattered residential structures. To the northeast across Kam Sheung Road is a transitional housing development named Pok Oi Kong Ha Wai Village.

8. 9 Planning Intention

The planning intention of the “OU(RU)” zone is primarily for the preservation of the

character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

9.10 Comments from Relevant Government Departments

~~9.1~~ **10.1** Apart from the government department as set out in paragraph ~~9.2~~ **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 in **Appendices II and III** respectively.

~~9.2~~ **10.2** The following government department has adverse comment on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot No. 480 in D.D. 106 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 is unauthorised structure on private lot which is already subject to lease enforcement actions according to case priority. The lots owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) advisory comments are in **Appendix III**.

~~10.11~~ Public Comment Received During the Statutory Publication Period

On 28.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the ground that the proposed use is not in line with the planning intention of the “OU(RU)” zone and expressing that the impacts arising from the current application should be considered together with the similar applications No. A/YL-KTS/1056 to 1059 which will be considered in the same meeting (**Appendix IV and Plan A-1**).

~~11.12~~ Planning Considerations and Assessments

~~11.1~~ **12.1** The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the Site zoned “OU(RU)” (**Plan A-1**). Whilst the proposed use is not in line with the

planning intention of the “OU(RU)” zone, the applicant claims that the proposed use could serve the strong demand for relocation of storage use due to implementation of NDAs and rezoning proposals in Yuen Long areas. There is also no known development programme involving the Site and approval of the application on a temporary basis would not frustrate the long-term planning intention of the “OU(RU)” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.

~~11.2~~ **12.2** The proposed use is considered not incompatible with the surrounding areas which are occupied predominantly by open storage/storage yards, parking of vehicles, warehouses, vehicle repair workshops, vacant land and scattered residential structures (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no adverse comment on the application from landscape planning perspective.

~~11.3~~ **12.3** Other relevant government departments consulted including the Commissioner for Transport, 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. Regarding DLO/YL, LandsD’s concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters. ***In light of the above, the application is also considered not in conflict with TPB PG-No. 38 in that the proposed use would not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings, nor would it overstrain the capacity of existing and planned infrastructure.*** To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph ~~12.2~~ **13.2** below. It is also recommended to advise the applicant to follow the latest ‘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 uses on the surrounding areas.

~~11.4~~ **12.4** Regarding the public comment mentioned in paragraph ~~10~~ **11** above, the departmental comments and planning considerations above are relevant.

12.13 Planning Department’s Views

~~12.1~~ **13.1** Based on the assessments made in paragraph ~~11~~ **12** above and having taken into account the public comment mentioned in paragraph ~~10~~ **11** above, PlanD has no objection to the application.

~~12.2~~ **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 shall be maintained at all times during the planning approval period;
- (d) 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;
- (e) in relation to (d) 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;
- (f) 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; and
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 III**.

~~12.3~~ **13.3** Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "OU(RU)" zone which is primarily for the preservation of the character of the rural area and for uses or developments compatible with the rural landscape with a view to upgrading or improving the area or providing support to the local communities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. 14 Decision Sought

~~13.1~~ **14.1** The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

~~13.2~~ **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.

~~13.3~~ **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.

14. 15 Attachments

Appendix I	Application Form with attachments received on 22.1.2025
Appendix Ia	FI received on 21.3.2025
Appendix Ib	FI received on 1.4.2025
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comment
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**