

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1088

<u>Applicant</u>	: Mr. TANG Wai Pui represented by Mr. TANG Wing Yat Tommy
<u>Site</u>	: Lots 1325 (Part) and 1349 (Part) in D.D. 109, Kam Tin North, Yuen Long, New Territories
<u>Site Area</u>	: About 4,370.1m 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-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 vacant, and partly fenced-off and hard-paved (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Tai Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of construction materials (such as pipes and repair parts) involves eight single-storey structures with heights of not more than 8m and a total floor area of about 1,795m² for warehouse and ancillary office (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 830.6m² (19% of the Site) and proposed filling of land for about 3,539.5m² (81% of the Site) with concrete of not more than 0.3m in depth (to a level of not more than 8.7mPD) for site formation and vehicular circulation (**Drawing A-2**). No open storage, recycling, cleansing, repairing, dismantling or other workshop activities will be involved at the Site. Four parking spaces for private car and six loading/unloading spaces for light goods vehicle will be provided at 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. 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 16.1.2025 (**Appendix I**) and 22.1.2025
- (b) Further Information (FI) received on 12.2.2025* (**Appendix Ia**)
- (c) FI received on 6.5.2025[#] (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

[#] accepted but not 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 FIs at **Appendices I** to **Ib**, and can be summarised as follows:

- (a) The proposed use can meet the strong demand for warehouse. 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) 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.

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

4. Background

Eastern part of the Site is currently subject to three planning enforcement actions (No. E/YL-KTN/655, 704 and 705) against unauthorized development of storage use (**Plan A-2**). For E/YL-KTN/655, Reinstatement Notice (RN) was issued on 13.3.2025, requiring the reinstatement of the concerned land by 13.6.2025. For E/YL-KTN/704 and 705, RNs were respectively issued on 27.2.2025 and 13.3.2025, requiring the reinstatement of the

concerned land by 27.5.2025 and 13.6.2025 respectively. If the RNs are not complied with, prosecution action would be considered.

5. **Previous Application**

There is no previous application covering the Site.

6. **Similar Applications**

- 6.1 There are 14 similar applications for temporary warehouse with filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. Except for application No. A/YL-KTN/989, all these applications were approved with conditions by the Committee between 2023 and 2025 mainly on the considerations that the proposed use on a temporary basis could be tolerated; the proposed use was not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions.
- 6.2 Application No. A/YL-KTN/989, under which the application site was located within the inland area of the “AGR” zone and interfacing with an extensive cluster of active farmlands, was rejected by the Committee in 2024 on the grounds that the proposed use with associated filling of land was not in line with the planning intention of the “AGR” zone and no strong planning justification had been given for a departure from the planning intention; the proposed use with associated filling of land was not compatible with the surrounding land uses; and the applicant failed to demonstrate that the proposed use with associated filling of land would not have adverse drainage impact on the surrounding areas.
- 6.3 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.4 A similar application No. A/YL-KTN/1114 for temporary warehouse with associated filling of land within the same “AGR” zone will be considered at the same meeting (**Plan A-1**).

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

- 7.1 The Site is:
 - (a) vacant, and partly fenced-off and hard-paved; and
 - (b) accessible from Kong Tai Road via local tracks.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, warehouse, vehicle repair workshop, hobby farm, animal boarding establishment, residential structures, 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 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 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 Periods

On 24.1.2025 and 20.5.2025, the application and FI were published for public inspection. During the statutory public inspection periods, seven public comments were received. One of them was from a member of Yuen Long Town Centre and Rural East Area Committee indicating no comment on the application. Two comments were received from the same individual raising concerns on the site background of having no previous planning approval and the revoked permissions in the nearby sites. Four comments, including two from Kadoorie Farm and Botanic Garden Corporation, one from World Wide Fund for Nature Hong Kong and one from an individual, were received objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; there may be potential impacts on the Agricultural

Priority Areas; and the Site involves unauthorized development without planning approval (**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” (**Plan A-1**). 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 planning 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, warehouse, vehicle repair workshop, hobby farm, animal boarding establishment, residential structures, 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 Other 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. 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 14 similar applications for temporary warehouse within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Whilst application No. A/YL-KTN/989 was rejected by the Committee, its planning considerations, i.e. having no strong planning justification; being not compatible with the surrounding land uses; failure in demonstrating no adverse drainage impact, are different from the current application. The remaining 13 similar applications were all approved by the Committee 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 as 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 4.7.2028. 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 4.1.2026;
- (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 4.4.2026;
- (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 submission of a revised 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 4.1.2026;
- (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 4.4.2026;
- (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;
- (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; and
- (h) 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 16.1.2025 and 22.1.2025
Appendix Ia	FI received on 12.2.2025
Appendix Ib	FI received on 6.5.2025
Appendix II	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-1	Location plan
Plan A-2	Site plan

Plan A-3 Aerial photo

Plan A-4 Site photos

**PLANNING DEPARTMENT
JULY 2025**