

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

**APPLICATION NO. A/YL-KTN/1112**

<b><u>Applicant</u></b>	: Maxtop Sky Limited
<b><u>Site</u></b>	: Various Lots in D.D. 107 and Adjoining Government Land (GL), Fung Kat Heung, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 7,229m <sup>2</sup> (including GL of about 494m <sup>2</sup> (6.8%))
<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>	: “Residential (Group A)” (“R(A)”) <i>[restricted to a maximum plot ratio of 6.7 and a maximum building height of 185mPD]</i>
<b><u>Application</u></b>	: Proposed Temporary Open Storage of Vehicles and Construction Materials with Ancillary Facilities for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of vehicles and construction materials with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “R(A)” 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). The Site is partly fenced-off, hard-paved and largely vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from San Tam Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves an area of about 5,486m<sup>2</sup> (76% of the Site) for open storage of construction materials (such as steel beams, lumber, pipes, metal scaffolding, etc.) with a maximum stacking height of 4m and unlicensed vehicles (private car and light goods vehicle only); and three single-storey structures with heights of not more than 4m and a total floor area of about 51m<sup>2</sup> for ancillary guard room, site office and toilet (**Drawing A-1**). Two parking spaces for private car and two loading/unloading (L/UL) spaces for medium goods vehicle (MGV) or heavy goods vehicle (HGV) will be provided within the Site. Peripheral fencing of 2.5m in height will be erected. A through-access in east-west direction within the Site which aligns with an existing local track thereat will be provided to maintain the connection with the existing

local tracks adjoining the Site, and the proposed through-access will be open 24 hours daily to the nearby users (**Drawing A-1**). No car washing, dismantling, repairing, assembling or other workshop activities will be involved at the Site. The operation hours will be between 9:00 a.m. and 5:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

- 1.3 The Site is the subject of two previous applications (details at paragraph 6 below), including the last application No. A/YL-KTN/790 for temporary open storage of vehicles which was submitted by a different applicant and approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021, and the planning permission was subsequently revoked in 2023 due to non-compliance with approval conditions. Compared with the last application which involved no structure and parking space, the current application involves reduced site area (-7,111m<sup>2</sup> / -49.6%) and a different layout with incorporation of structures and parking spaces.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 24.4.2025 (**Appendix I**) and 29.4.2025
  - (b) Further Information (FI) received on 14.5.2025<sup>#</sup> (**Appendix Ia**)
  - (c) FI received on 4.6.2025\* (**Appendix Ib**)
  - (d) FI received on 20.6.2025\* (**Appendix Ic**)
- <sup>#</sup> accepted but not exempted from publication and recounting requirements  
\* 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 FIs at **Appendices I to Ic**, and can be summarised as follows:

- (a) The temporary nature of the application would not jeopardise the long-term planning intention of the “R(A)” zone. The proposed use is compatible with the surrounding areas and there was previously approved application for temporary open storage use at the Site. The applicant undertakes to terminate the proposed use and vacate the Site upon commencement of land resumption and site formation works for implementation of the Sha Po public housing development in the subject “R(A)” zone.
- (b) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. No further filling of land will be involved. Adverse traffic and environmental impacts on the surrounding areas are not anticipated. In support of the application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) Regarding the Lands Department (LandsD)’s concern on lease breaches at the Site, the applicant will take appropriate follow-up actions including submission of Short Term Waiver (STW) and Short Term Tenancy (STT) applications to

LandsD upon approval of the current application.

### **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 posting site notice and sending notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the ‘Owner’s Consent/Notification’ Requirements are not applicable.

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

### **5. Background**

- 5.1 Major part of the Site is currently subject to active planning enforcement action (No. E/YL-KTN/725) (**Plan A-2**) against unauthorized development (UD) involving storage use. Enforcement Notice was issued on 13.3.2025 requiring discontinuation of the UD by 13.5.2025. Site inspection on 16.5.2025 revealed that the Site was vacant. The Site is currently under monitoring according to established procedures.
- 5.2 The Site forms part of a larger area rezoned from “Agriculture” (“AGR”) and “Industrial (Group D)” (“I(D)”) to “R(A)” on the OZP in 2023 to facilitate the Sha Po public housing development. The public housing development is not yet implemented.

### **6. Previous Applications**

- 6.1 The Site is the subject of two previous applications (No. A/YL-KTN/397<sup>1</sup> and A/YL-KTN/790<sup>2</sup>). Application No. A/YL-KTN/397 for temporary warehouse was rejected by the Committee in 2013, and its considerations are not relevant to the current application due to different use involved.

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<sup>1</sup> The application site of application No. A/YL-KTN/397 was within an area zoned “AGR”, “Village Type Development” (“V”) and “I(D)” at the time of consideration by the Committee, and it is zoned “R(A)”, “AGR” and “V” on the prevailing OZP.

<sup>2</sup> The application site of application No. A/YL-KTN/790 was within an area zoned “AGR” at the time of consideration by the Committee, and it is zoned “R(A)” and “AGR” on the prevailing OZP.

- 6.2 Application No. A/YL-KTN/790, covering a larger site area, for temporary open storage of vehicles submitted by a different applicant from the current application was approved with conditions by the Committee in 2021 mainly on the considerations that the applied use on a temporary basis would not jeopardise the long-term planning intention of the then “AGR” zone; the 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 the then Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The planning permission was subsequently revoked in 2023 due to non-compliance with approval conditions related to submission and implementation of drainage proposal. Compared with application No. A/YL-KTN/790 which involved no structure and parking space, the current application involves reduced site area and a different layout with incorporation of structures and parking spaces.
- 6.3 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

## **7. Similar Application**

There is no similar application within the same “R(A)” zone in the vicinity of the Site.

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

8.1 The Site is:

- (a) partly fenced-off, hard-paved and largely vacant; and
- (b) accessible from San Tam Road via local tracks.

8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, warehouses, residential structures and grassland. To the further southeast of the Site across Sha Po Tsuen Road is the village settlement of Sha Po Tsuen.

## **9. Planning Intention**

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building. According to the Explanatory Statement of the OZP, the “R(A)” zone is intended for public housing development.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government departments as set out in paragraphs 10.2 to 10.4 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 IV and V** respectively.

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

**Land Administration**

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

- (a) has adverse comments on the application;
- (b) the Site comprises GL and various Old Schedule Agricultural Lots 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) LandsD has reservation on the planning application since there is/are unauthorized structure(s) and/or use(s) on Lot No. 1714 in D.D. 107 which is/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;
- (d) warning letter has been registered in the Land Registry against the lot(s) concerned. If the unauthorized structure(s) was/were removed, the applicant should take appropriate action deemed necessary, including but not limited to applying to his office for the issuance of a Cancellation Letter; and
- (e) if the planning application is approved, the lot owner(s) shall apply to his office for a STW and a STT to permit the structure(s) erected within the said private lots and the occupation of the GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent 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.

10.3 The following government department does not support the application:

**Environment**

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 proposed use would not involve dusty operation but it would involve use of heavy vehicles (i.e. MGV or HGV). 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 proposed use would cause environmental nuisance to the residential structures nearby;

- (c) there was no environmental complaint received against the Site in the past three years; and
- (d) advisory comments are at **Appendix V**.

10.4 The following government department provides views on the application:

**Project Interface**

Comments of the Head of Civil Engineering Office, Civil Engineering and Development Department (Head of CEO, CEDD):

- (a) no adverse comment on the application;
- (b) the Site is entirely located within the southern portion of site boundary of the Sha Po public housing development under "Agreement No. CE8/2022 (CE) – Site Formation and Infrastructure Works for Public Housing Developments at Sha Po, Shap Pat Heung and Tai Kei Leng, Yuen Long – Investigation, Design and Construction"; and
- (c) there may be potential implications arising from land acquisition and clearance under the above public housing project. The Site should be vacated and handed over to the concerned authorities upon request. It is noted that the applicant will terminate the proposed use and vacate the Site upon commencement of land resumption and site formation works for implementation of the Sha Po public housing development.

**11. Public Comments Received During Statutory Publication Periods**

On 2.5.2025 and 27.5.2025, the application and FI were published for public inspection. During the statutory public inspection periods, two public comments were received from individuals mainly raising concerns on the potential environmental impacts on the surrounding areas; the fire service installations and drainage facilities at the Site; and the interface with the planned residential development (**Appendix VI**).

**12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary open storage of vehicles and construction materials with ancillary facilities for a period of three years at the Site zoned "R(A)" (**Plan A-1**). The proposed use is not in line with the planning intention of the "R(A)" zone which is planned for the Sha Po public housing development. According to the Head of CEO, CEDD, the Site is located within the southern portion of the Sha Po public housing development and approval of the application might give rise to potential implications on land resumption and clearance under the public housing project. That said, having noted that the applicant will terminate the proposed use and vacate the Site upon implementation

of the public housing development, Head of CEO, CEDD has no adverse comment on the application. Should the Committee approve the application, the applicant will be advised to terminate the proposed use and vacate the Site upon implementation of the Sha Po public housing development at any time during the planning approval period. In this regard, it is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(A)” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.

- 12.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, warehouses, residential structures and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the proposed use is not anticipated.
- 12.3 Whilst DEP does not support the application as the proposed use involves use of heavy vehicles and there are sensitive receivers in the vicinity of the Site, it is noted that the proposed access to the Site from San Tam Road will not pass through areas with residential structures located to the southeast. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the proposed use. The operation of the proposed use is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or use(s) on the concerned lot of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that, except for DEP, other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, who also considers the submitted FSIs proposal acceptable, have no objection to or no adverse comment on the application. DEP’s concerns can be addressed as mentioned in paragraph 12.3 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.5 The Site forms part of a previously approved application (No. A/YL-KTN/790) involving temporary open storage submitted by a different applicant as mentioned in paragraph 6.2 above. Whilst there is a change in planning circumstance that the Site has been rezoned from “AGR” (at the time of consideration of the previous application) to “R(A)” on the prevailing OZP, the surrounding context remains generally the same. Approving the current application is not in conflict with the Committee’s previous decision.
- 12.6 Regarding the public comments as mentioned in paragraph 11, the departmental comments and planning assessments above are relevant.

### 13. Planning Department's View

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 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 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 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 15.8.2025;
- (e) 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 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; 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 V**.

- 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 "R(A)" zone which is primarily for high-density residential developments. 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 24.4.2025 and 29.4.2025
<b>Appendix Ia</b>	FI received on 14.5.2025
<b>Appendix Ib</b>	FI received on 4.6.2025
<b>Appendix Ic</b>	FI received on 20.6.2025
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Appendix VII</b>	Fire Services Department's good practice guidelines for open storage sites
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a &amp; 4b</b>	Site photos

**PLANNING DEPARTMENT  
JULY 2025**