

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1114

| | |
|---------------------------|--|
| <u>Applicant</u> | : Mr. TANG Wing Yat Tommy |
| <u>Site</u> | : Lots 1400 (Part), 1401 and 1413 (Part) in D.D. 107, Kam Tin North, Yuen Long, New Territories |
| <u>Site Area</u> | : About 3,557.4m 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) and Associated Filling of Land for a Period of Three Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) 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 partly fenced-off and hard-paved, and partly used for open storage of vehicles without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Shui Mei Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of vehicles, metal, plastic pipes, machineries, vehicle parts and construction materials involves six single-storey structures with heights of not more than 8m and a total floor area of about 1,344.5m² for warehouse and ancillary office (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 2,609.4m² (73.4% of the Site) and proposed filling of land for about 802.1m² (22.5% of the Site) with soil and concrete of not more than 0.8m in depth (to a level of not more than 10.2mPD) for site formation and vehicular circulation (**Drawing A-2**). Buffer area of about 31.8m² will be provided on the northern boundary near an existing stream course, and another buffer area of about 114.1m² within the Site will be provided along the western boundary fronting the existing grassland and some residential

structures. Peripheral fencing of 2.5m in height will be erected. No open storage, recycling, cleansing, repairing, dismantling or other workshop activities will be involved. Eight parking spaces for private car, and two parking spaces and seven loading/unloading (L/UL) spaces for light goods vehicle (LGV) 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 Northern part of the Site is the subject of a previous application No. A/YL-KTN/975 (details at paragraph 5 below) for the same use submitted by the same applicant as the current application approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024 and the planning permission is valid until 26.1.2027. A comparison of major development parameters of the current application and the previous application is summarised as follows:

| Major Development Parameters | Approved Application No. A/YL-KTN/975 (a) | Current Application No. A/YL-KTN/1114 (b) | Differences (b)-(a) (% change) |
|-------------------------------------|--|--|---------------------------------------|
| Site Area | 2,179.8m ² | 3,557.4m ² | +1,377.6 (+63.2%) |
| Total Floor Area | 420m ² | 1,344.5m ² | +924.5m ² (+220%) |
| Site Coverage | 19.3% | 37.8% | +18.5% |
| No. of Structures | 2 | 6 | +4 (+200%) |
| No. of Storeys | 1 | 1 | No change |
| Building Height | Not more than 8m | Not more than 8m | No change |
| Parking Spaces for Private Car | 6 | 8 | +2 (+33.3%) |
| Parking Spaces for LGV | 0 | 2 | +2 (N/A) |
| L/UL Spaces for LGV | 4 | 7 | +3 (+75%) |

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 9.5.2025 (**Appendix I**) and 15.5.2025
 - (b) Further Information (FI) received on 16.6.2025* (**Appendix Ia**)
 - (c) FI received on 25.6.2025* (**Appendix Ib**)

** 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 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) Compared with the previous application No. A/YL-KTN/975, a larger site area is involved in the current application as agreement with the relevant lot owners has been obtained. The applicant indicates that there will be no further extension of the proposed use to the west of the Site which is currently occupied by grassland and some residential structures.
- (c) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse impacts are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (d) 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) application 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 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

- 4.1 The Site is currently not subject to any active planning enforcement action.
- 4.2 Part of the Site is currently covered by a valid planning permission No. A/YL-KTN/975 for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and filling of land until 26.1.2027. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. **Previous Application**

- 5.1 Northern part of the Site is the subject of a previous application (No. A/YL-KTN/975) for the same use submitted by the same applicant as the current application, which was approved with conditions by the Committee in 2024 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. The planning permission is valid until 26.1.2027. Whilst the approval conditions on submission of drainage and FSIs proposals have been complied with, the conditions on implementation of drainage and FSIs proposals are not yet complied with. Compared with the previous application, the current application involves changes to site area/boundary, total floor area, site coverage, number of structures, and parking and L/UL spaces as mentioned in paragraph 1.3 above.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are 35 similar applications for temporary warehouse with filling of land/pond (including three also involving open storage use) within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2022 and 2025 mainly on the similar considerations as mentioned in paragraph 5.1 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 A similar application No. A/YL-KTN/1088 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) partly fenced-off and hard-paved, and partly used for open storage of vehicles without valid planning permission; and
 - (b) accessible from Shui Mei Road via local tracks.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, animal boarding establishment, residential structures, grassland, woodland and vacant land. To the west are grassland and some residential structures and to the north is an existing stream course.

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 to 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 in **Appendices III** and **IV** respectively.
- 9.2 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 Old Schedule Agricultural Lots No. 1400, 1401 and 1413 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. 1413 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 to permit the structure(s) erected within the said private lots. 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 used for open storage of vehicles. The agricultural infrastructures such as road access and water source are available in the area. 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 16.5.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received, including one from Kadoorie Farm and Botanic Garden Corporation objecting to the application mainly on the grounds that there may be potential impacts on the Agricultural Priority Areas and the proposed use is not in line with the planning intention of the “AGR” zone; and one from an individual raising concerns on non-compliance with approval conditions under the previous application at the Site (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years 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 with associated filling of land on a temporary basis of three years.
- 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, animal boarding establishment, residential structures, grassland, woodland 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 arising from the proposed use is not anticipated.
- 11.4 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. 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.
- 11.5 There are a previously approved application for the same use and 35 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 paragraphs 5.1 and 6.1 above respectively, 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 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;
- (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 9.5.2025 and 15.5.2025 |
| Appendix Ia | FI received on 16.6.2025 |
| Appendix Ib | FI received on 25.6.2025 |
| 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-1 | Location plan |
| Plan A-2 | Site plan |
| Plan A-3 | Aerial photo |
| Plan A-4 | Site photos |

**PLANNING DEPARTMENT
JULY 2025**