

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1062

<u>Applicant</u>	: Vertex Logistics Company Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lots 502 RP and 507 S.A RP in D.D. 103, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 2,204m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Warehouse (Storage of Construction Materials) and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (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 within the “AGR” zone also requires planning permission from the Board. The Site is currently formed, partially fenced-off and vacant with overgrown vegetation and scattered trees (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the application is to facilitate the relocation of a business operation (construction materials trading) at a site (with an area of about 2,000m²) in Kwu Tung North (KTN) which is affected by government project, i.e. the First Phase of the KTN/Fanling North New Development Area (KTN/FLN NDA) development. The site of the affected operation had already been resumed.
- 1.3 The Site is accessible from Kam Tin Road via a local track (**Plans A-1 and A-3**). According to the applicant, the proposed use is for storage of construction materials (including metal products and sanitary ware), comprising one single-storey

structure (not more than 10m in height) with a total floor area of about 1,900m² for warehouse, site office and toilet. All items will be stored within the enclosed structure, and no dangerous goods will be stored and no workshop or open storage activities will be carried out at the Site. Three loading/unloading (L/UL) spaces for light goods vehicle will be provided within the Site. No medium and heavy goods vehicles and container trailer/tractor will be allowed to enter the Site. The applicant also applies for filling of land for the entire Site which has a gently sloping gradient with concrete in a depth of not more than 0.2m, raising the site level from +4.8mPD to +5.0mPD in the southwest and from +5.3mPD to +5.5mPD in the northeast, for site formation of structures, vehicular circulation, parking and L/UL spaces (**Drawing A-2**). The operation hours are 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 and the land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with supplementary statement (**Appendix I**)
received on 11.2.2025
- (b) Further Information (FI) received on 8.5.2025* (**Appendix Ia**)
- (c) FI received on 9.6.2025* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

1.5 On 11.4.2025, 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 to Ib**. They can be summarised as follows:

- (a) The proposed use is to facilitate the relocation of the applicant's affected business operation (construction materials trading) at a site in KTN to a fully enclosed structure at the Site to facilitate the implementation of KTN/FLN NDA. The original site has been resumed by the Government and the operation thereat has already been ceased, and hence there is an imminent need for the applicant to secure a relocation site to continue the affected business operation.
- (b) The applicant has conducted a thorough site search for relocation of the affected operation, but sites identified were considered not suitable due to various shortcomings. The Site is considered suitable for relocation as it is highly accessible and abutting local vehicular access. It is also the one located closest to the area of the original site the applicant can identify.

- (c) The applicant is a major supplier of construction materials in Hong Kong. Successful relocation of the applicant's operation the Site would sustain the operation and support the upcoming development projects.
- (d) The proposed use is temporary in nature and it would not jeopardise the planning intention of "AGR" zone in the long run. The nature, layout, form and scale of the proposed use is not incompatible with the surrounding environment. Meanwhile, the application could utilize scarce land resources as the Site has been left vacant for a long period of time and it has not been rehabilitated for agricultural activities.
- (e) The proposed use will not create significant environmental nuisance and traffic impact on the surrounding areas. No visitors will be allowed to visit the Site to prevent significant amount of traffic to the area. The applicant will follow relevant requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP') and the 'Professional Persons Environmental Consultative Committee Practice Notes No. 5/93' the issued by Environmental Protection Department (EPD) to minimise any potential environmental impacts. In support of the application, the applicant has submitted a drainage proposal.

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" Requirement under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents of the current land owners. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Applications

The Site is involved in three previous applications (No. A/YL-KTS/146, 344 & 453) respectively for proposed New Territories Exempted House (small house), pond filling and temporary open storage use, and pond filling for permitted agricultural use, and the considerations of these applications are irrelevant to the current application due to different uses involved. Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6. Similar Applications

There are ten similar applications covering nine sites (No. A/YL-KTS/946, 959, 997, 1020, 1032, 1045, 1048, 1049, 1051, 1066) for temporary warehouse use with/without filling of land at other "AGR" zones on the OZP in the past five years. All these

applications were approved with conditions by the Committee between 2023 and 2025 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed/applied use was not incompatible with the surrounding uses; and the government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions. Moreover, policy support was given for applications No. A/YL-KTS/946, 959 and 1032 to facilitate relocation of business operation displaced by government projects. Details of the application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kam Tin Road via a local track; and
- (b) currently formed, partially fenced-off and vacant with overgrown vegetation and scattered trees.

7.2 The surrounding areas comprise predominantly open storage yards (including one with valid planning permission), vehicle repair workshop, Kam Tin Sewage Pumping Station, scattered residential structures, woodland and graves. Tsing Long Highway and Kam Tin South River are located to the south and north of the Site.

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 Bureau/Departments

9.1. Apart from the government bureau/departments as set out in paragraphs 9.2 and 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 bureau supports the application:

Policy Aspect

9.2.1 Comments of the Secretary for Development (SDEV) :

- (a) the application is to facilitate relocation of a brownfield operation providing warehouse services, which has been affected by the First Phase development of the KTN/FLN NDA;
- (b) according to the applicant, a site search was conducted with a view to identify suitable site for re-establishment of the business elsewhere, and the site under the current application is considered suitable for relocation. The site area of the Site (i.e 2,204m²) is also comparable to the original site area at KTN (about 2,000m²); and
- (c) subject to concerned departments' comments on land use compatibility and technical aspects, the application is supported from the policy perspective.

9.3. The following government department does not support the application:

Agriculture and Nature Conservation

9.3.1 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. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the planning application from nature conservation perspective.

10. Public Comment Received During Statutory Publication Period

On 21.2.2025, 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 grounds that there is no history of approvals for such proposed use at the Site and the previous applications were rejected due to adverse drainage impact; and DEVB's supportive stance is in direct conflict with previous policy on restricting brownfield expansion.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse (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 proposed use is not in line with the planning intention of “AGR” zone and DAFC does not support the application from

agricultural perspective, the application is to facilitate the relocation of a business operation in KTN affected by KTN/FLN NDA development. In this regard, SDEV supports the application having considered that the current application is to facilitate relocation of an affected brownfield operations in KTN area. The applicant also claims that the application could utilise the scarce land resource to facilitate the relocation of the business operation affected by government projects. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis with associated filling of land for a period of three years.

- 11.2 Filling of land within 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, who also considers the submitted drainage proposal acceptable, 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 areas which comprise predominantly open storage yards, vehicle repair workshop, Kam Tin Sewage Pumping Station, scattered residential structures, woodland and graves, as well as Tsing Long Highway and Kam Tin South River. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that the proposed use is not incompatible with the surrounding landscape character and significant adverse impact on landscape resources arising from the proposed use is not anticipated, and has no adverse comment on the application from landscape planning perspective.
- 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 ‘CoP’ issued by the EPD to minimise possible environmental nuisance generated by the proposed use on the surrounding areas.
- 11.5 Given that there are ten approved similar applications within other “AGR” zones on the OZP in the past five years as detailed in paragraph 6 above, approving the current application is in line with the previous decisions of the Committee.
- 11.6 For the public comment as mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment 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 implementation of the accepted 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;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of the 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;
- (d) in relation to (c) 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;
- (e) if the above planning condition (b) 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), (c), (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 material, 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 Supplementary Information received on 11.2.2025
Appendix Ia	FI received on 8.5.2025
Appendix Ib	FI received on 9.6.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Site Paving Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**