

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1115

<u>Applicant</u>	: Mr. TANG Wai Ip represented by Mr. TANG Wing Yat Tommy
<u>Site</u>	: Lots 1288 (Part) and 1289 (Part) in D.D. 107, Kam Tin North, Yuen Long, New Territories
<u>Site Area</u>	: About 4,431.4m 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 Open Storage and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage 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, vacant and largely covered by weeds (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Fung Kat Heung Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use involves an area of about 3,388.8m² (76.5% of the Site) for open storage of vehicles, vehicle parts, metal, plastic pipes, machineries and construction materials with a maximum stacking height of 2.5m (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 409.2m² (9.2% of the Site) and proposed filling of land for about 4,022.2m² (90.8% of the Site) with soil and concrete of not more than 1.5m in depth (to a level of not more than 14.4mPD) for site formation and vehicular circulation (**Drawing A-2**). Buffer area of about 830.5m², including setback of not less than 1m from the eastern, southern and western site boundaries; and waterworks reserve of not less than 1.5m from existing water mains in the northern part of the Site, will be provided (**Drawing A-1**). Peripheral fencing of 2.5m in height will be erected along the boundary of the Site. No storage of

dangerous goods or workshop activities will be involved. Two loading/unloading spaces for light goods vehicle 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. 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 8.5.2025 (**Appendix I**) and 13.5.2025
- (b) Further Information (FI) received on 28.5.2025[#] (**Appendix Ia**)
- (c) FI received on 2.7.2025* (**Appendix Ib**)
- (d) FI received on 7.7.2025* (**Appendix Ic**)

[#] *accepted but not exempted from publication and recounting requirements*

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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 proposed use can meet the strong demand for open storage. The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there were similar applications approved within the same “AGR” zone.
- (b) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse impacts on the surrounding areas are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) Regarding the Lands Department (LandsD)’s concern on lease breaches, the applicant indicates that the unauthorized structures at the Site have been removed.

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.

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

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

6. Previous Application

The Site is the subject of a previous application No. A/YL-KTN/657, covering a larger site area also involving the adjacent “Industrial (Group D)” and “Conservation Area” zones, for temporary private club which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2020. Considerations of this previous application are not relevant to the current application due to different use involved. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

There are eight similar applications, involving seven sites, for temporary open storage (with three of them also involving warehouse 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 2023 and 2025 mainly on the considerations that the proposed/applied use on a temporary basis could be tolerated; the proposed/applied use was not incompatible with the surrounding areas; 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 TPB PG-No. 13G. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) partly fenced-off and hard-paved, vacant and largely covered by weeds;
- (b) accessible from Fung Kat Heung Road via local tracks; and
- (c) underground water mains are spanning across the northern part and extending to areas near the western and north-eastern peripheries of the Site.

- 8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, animal boarding establishment, residential structures, vacant land, woodland and graves.

9. Planning Intention

- 9.1 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.
- 9.2 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.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 IV** and **V** respectively.
- 10.2 The following government department has adverse comments 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 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) it is noted that no structure is proposed on the Site;
- (d) LandsD has reservation on the planning application since there are unauthorized building works and/or use(s) on the private lot(s) of the Site which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD; and
- (e) 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.

10.3 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 vacant. 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.;
- (c) no comment on the application from nature conservation perspective; and
- (d) advisory comments are at **Appendix V**.

11. Public Comments Received During Statutory Publication Periods

On 16.5.2025 and 6.6.2025, the application and FI were published for public inspection. During the statutory public inspection periods, six public comments were received, including two from Kadoorie Farm and Botanic Garden Corporation; one from World Wide Fund for Nature Hong Kong; and three from individuals, all 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 would be potential impact on the Agricultural Priority Areas; suspected unauthorized development is involved; and there would be adverse fire safety, drainage and environmental impacts on the surrounding areas (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage 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.
- 12.2 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.
- 12.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, animal

boarding establishment, residential structures, vacant land, woodland and graves. 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 landscape impact is not anticipated. To avoid disturbance to the existing water mains, the applicant will provide waterworks reserve of not less than 1.5m from existing water mains in the northern part of the Site. In this regard, the Chief Engineer/Construction, Water Supplies Department has no objection to 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 the 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 13.2 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 building works and/or use(s) on the concerned lot(s) of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 There are eight approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 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 18.7.2028. 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 18.1.2026;

- (b) in relation to (a) above, the implementation of the revised 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 18.4.2026;
- (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 29.8.2025;
- (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 18.4.2026;
- (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 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 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.

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

Appendix I	Application Form with attachments received on 8.5.2025 and 13.5.2025
Appendix Ia	FI received on 28.5.2025
Appendix Ib	FI received on 2.7.2025
Appendix Ic	FI received on 7.7.2025
Appendix II	Relevant extracts of TPB PG-No. 13G
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Appendix VII	Fire Services Department's good practice guidelines for open storage sites
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**