

RNTPC Paper No. A/KTN/106  
For Consideration by the  
Rural and New Town  
Planning Committee  
on 1.8.2025

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL**  
**FOR TEMPORARY USE**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/KTN/106**

<b><u>Applicant</u></b>	:	Take Keen Limited represented by Fotton ELA Architects Limited
<b><u>Site</u></b>	:	Lot 542 S.A RP in D.D. 92, Castle Peak Road, Kwu Tung, Sheung Shui, New Territories
<b><u>Site Area</u></b>	:	About 1,374m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kwu Tung North Outline Zoning Plan (OZP) No. S/KTN/4
<b><u>Zonings</u></b>	:	(i) "Agriculture" ("AGR") ( <i>about 99.1% of the Site</i> ) (ii) " <i>Other Specified Uses</i> " annotated " <i>Amenity Area</i> " ("OU(A"))( <i>about 0.9% of the Site</i> ) <sup>1</sup>
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Warehouses, Open Storage of Metal and Steel, Scrap Metal and Materials, Construction Materials and Miscellaneous Objects, and an Ancillary Office for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary warehouses, open storage of metal and steel, scrap metals and materials, construction materials and miscellaneous objects, and an ancillary office for a period of three years at the application site (the Site) 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). The Site is currently occupied by the applied uses with valid planning permission under application No. A/KTN/92 until 9.9.2025 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from its south via a local track from Castle Peak Road – Kwu Tung (**Plans A-2 and A-3**). According to the applicant, the applied uses comprise seven single-storey structures (not more than 7.6m in height) with a total floor area of about 412.8m<sup>2</sup> for warehouse, storage, site office and toilet use. An area of about 240m<sup>2</sup> is used for open storage. No workshop activity will be carried out at the Site. A loading/unloading area for medium goods vehicles, but no parking space, is provided at the Site. The operation hours are from 8:00 a.m. to

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<sup>1</sup>About 12m<sup>2</sup> (0.9%) of the application site encroaches upon "Other Specified Uses" annotated "Amenity Area" zone which is regarded as minor boundary adjustment according to the covering Notes of the OZP.

5:30 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of nine previous applications for the various temporary warehouse and/or open storage uses (details at paragraph 6 below) (**Plan A-1**). The last application No. A/KTN/92, submitted by the same applicant as the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 9.9.2022. All time-limited approval conditions have been complied with and the planning permission is valid until 9.9.2025. Compared with the last application, the current application is for the same uses at the same site with the same layout and major development parameters, except for replacement or removal of a few trees due to their health conditions.

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

- (a) Application Form with attachments and supplementary (Appendix I)  
information received on 3.6.2025 and 6.6.2025
- (b) Further Information (FI) received on 11.7.2025\* (Appendix Ia)
- (c) FI received on 24.7.2025\* (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**. They can be summarised as follows:

- (a) The applicant wishes to continue the operation at the Site for three more years. The use, layout, and operation hours remain unchanged.
- (b) All approval conditions of the last application (No. A/KTN/92) have been complied with. The applicant will continue to maintain the existing landscaping, drainage and fire safety facilities up to standard as previously approved.

## 3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. 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 Backup Uses” (TPB PG-No. 13G) and the Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34D) are relevant to the application. Relevant extracts of the Guidelines are attached at **Appendix II**.

## **5. Background**

- 5.1 The Site falls within the Kwu Tung North New Development Area (KTN NDA), but does not form part of the development area of the NDA.
- 5.2 The Site is currently not subject to any active planning enforcement action.

## **6. Previous Applications**

- 6.1 The Site, in part or in whole, was involved in nine previous applications (No. IDPA/NE-KTN/4, A/DPA/NE-KTN/7, A/NE-KTN/135, 152 and 158, and A/KTN/17, 25, 59 and 92) for various temporary warehouses and/or open storage uses. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. IDPA/NE-KTN/4 and A/DPA/NE-KTN/7 for temporary warehouse, when the Site fell within an “Unspecified Use” area<sup>2</sup>, were approved by the Board upon review in 1991 and by the Committee in 1992 respectively. The remaining seven previous applications (No. A/NE-KTN/135, 152 and 158, and A/KTN/17, 25, 59 and 92), falling within the current “AGR” zone for various temporary warehouse and/or open storage uses, were approved with conditions by the Committee between 2009 and 2022 mainly on the considerations that the applied use(s) generally complied with the respective versions of TPB PG-No.13 in that previous approval(s) for similar applied use(s) had been granted; the applied use(s) was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comments or their concerns could be addressed by approval conditions. As for the last application No. A/KTN/92, all the time-limited approval conditions have been complied with and the planning permission is valid until 9.9.2025. Compared with the last application, the current application is submitted by the same applicant for the same uses at the same site with the same layout and major development parameters, except for changes in tree treatment as set out in paragraph 1.3 above.

## **7. Similar Application**

There is no similar application within the same “AGR” zone in the vicinity of the Site in the past five years.

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

- 8.1 The Site is:
- (a) accessible via a local track connecting Castle Peak Road – Kwu Tung Section; and

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<sup>2</sup>The Site fell within an “Unspecified Use” area on the KTN Interim Development Permission Area Plan No. IDPA/NE-KTN/1 gazetted in 1990. It was subsequently rezoned to “AGR” on KTN OZP No. S/NE-KTN/1 gazetted in 1994 and the zoning remains unchanged.

- (b) currently occupied by the applied uses with valid planning permission under application No. A/KTN/92 until 9.9.2025.

8.2 The surrounding areas are rural in character comprising mainly open storage, metal/vehicle repair workshops, shop and services, parking of vehicles, intermixed with residential structures, active/fallow agricultural land and vacant land. The village settlement of Yin Kong at the “Village Type Development” zone is located to the further northwest of the Site.

## **9. Planning Intention**

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.

## **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 are provided in **Appendices IV and V** respectively.
- 10.2 The following government departments have specific comments on the application.

### Long-term Development

10.2.1 Comments of the Project Manager/North, Civil Engineering and Development Department (PM/N, CEDD):

- (a) no objection to the application; and
- (b) the Site falls outside the works area of the KTN NDA.

10.2.2 Comments of the Chief Estate Surveyor/New Development Area, Lands Department (CES/NDA, LandsD):

- (a) no comment on the application from the implementation of KTN NDA point of view; and
- (b) the Site falls outside the resumption limit of the Remaining Phase of KTN NDA.

- 10.3 The following government department does not support the application.

## Environment

### 10.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the applied uses from environmental perspective;
- (b) the applied uses will attract heavy vehicle traffic and there are residential premises within 100m of the Site. Environmental nuisance to nearby residents is anticipated;
- (c) no environmental complaint was received against the Site in the past three years; and
- (d) advisory comments are at **Appendix V**.

## **11. Public Comments Received During Statutory Publication Period**

On 10.6.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from a member of the North District Council indicating no comment on the application (**Appendix VI**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary warehouses, open storage of metal and steel, scrap metal and materials, construction materials and miscellaneous objects, and an ancillary office for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). Whilst the applied uses are not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no strong view on the application for renewal of a planning approval from agricultural perspective. PM/N, CEDD and CES/NDA, LandsD also advise that the Site does not fall within the works area or resumption limit of KTN NDA and hence, approval of the application will not impede the implementation of the KTN NDA. In view of the above and taking into account the planning assessments below, there is no objection to the renewal application for a period of three years.
- 12.2 The applied uses are considered not incompatible with the surrounding areas which comprise mainly open storage, metal/vehicle repair workshops, shop and services, parking of vehicles, intermixed with residential structures, active/fallow agricultural land and vacant land, whereas the village settlement of Yin Kong is located to the further northwest (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department considers that further adverse landscape impact arising from the applied uses is not anticipated and she has no adverse comment on the application from landscape planning perspective.
- 12.3 The application is considered generally in line with TPB PG-No. 13G in that the Site falls within KTN NDA; previous approvals for the same uses had been granted for the Site since 1991; all time-limited approval conditions under the last previous application (No. A/KTN/92) have been complied with; and all relevant government departments consulted, including the Chief Engineer/Mainland North

of Drainage Services Department, Director of Fire Services and the Commissioner for Transport, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government department, relevant approval conditions are recommended in paragraph 13.2 below. While DEP does not support the application as the applied uses involve the use of heavy vehicle and there are sensitive receivers of residential structures in the vicinity of the Site (**Plan A-2**), there was no substantiated environmental complaint received against the Site in the past three years. Should the application be approved, the applicant will be advised to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the applied uses on the surrounding areas. The operation of the applied uses is also subject to the relevant pollution control ordinances.

- 12.4 The application is also in line with TPB PG No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/KTN/92; no adverse planning implication arising from the renewal is anticipated; all the approval conditions under the previous approval have been complied with; and the three-year approval period sought, which is the same as the last approval granted by the Committee, is considered reasonable.
- 12.5 Given the nine previous approved applications for various warehouse and/or temporary open storage uses at the Site between 1991 and 2022 as mentioned in paragraph 6 above, approving the current application is in line with the Committee's previous decisions.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department 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 and be renewed from 10.9.2025 until 9.9.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period; and
- (b) if the above planning condition (a) 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.

#### Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection is suggested for Members' reference:

the applied uses are 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 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 and Supplementary Information received on 3.6.2025 and 6.6.2025
<b>Appendix Ia</b>	FI received on 11.7.2025
<b>Appendix Ib</b>	FI received on 24.7.2025
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 13G and 34D
<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 Comment
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a and A-4b</b>	Site Photos