

RNTPC Paper No. A/NE-KTS/561  
For Consideration by the  
Rural and New Town  
Planning Committee on 1.8.2025

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

**APPLICATION NO. A/NE-KTS/561**

<b><u>Applicants</u></b>	:	Mr. WONG Chun Hung and Ms. TO Nu
<b><u>Site</u></b>	:	Lots 1618 (Part), 1619 (Part) and 1620 (Part) in D.D. 100 and Adjoining Government Land (GL), Kwu Tung South, New Territories
<b><u>Site Area</u></b>	:	About 1,486.5m <sup>2</sup> (including GL of about 30.98m <sup>2</sup> (about 2.08%))
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/22
<b><u>Zoning</u></b>	:	“Recreation” (“REC”)
<b><u>Application</u></b>	:	Temporary Warehouse (Electronic Parts) with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for temporary warehouse (electronic parts) with ancillary office for a period of three years at the application site (the Site), which falls within an area zoned “REC” 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 used for the applied use without valid planning permission (**Plans A-2a, A-4a and A-4c**).
- 1.2 The Site is accessible from Fan Kam Road via a village road with one ingress/egress point at the southwest corner of the Site (**Plan A-1, A-2a and Plan A-3**). According to the applicant, the applied use with a total floor area of about 1,317.81m<sup>2</sup> comprises four structures with height of not more than 7m and a total floor area of about 1,317.81m<sup>2</sup>. Structure A, with a floor area of 967.6m<sup>2</sup>, is a single-storey warehouse located in the centre of the Site where a loading/unloading bay for light goods vehicle is located therein. Structure B, with a floor area of 308.56m<sup>2</sup>, is a two-storey structure located to the south of Structure A with toilet and warehouse on the ground floor and ancillary office on the upper floor. All the warehouse activities will be undertaken

within these two enclosed structures. The other two structures are a fire service water tank and a fire service pump room located at the northern part of the Site. The five existing trees within the Site will not be affected. The operation hours will be from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan submitted by the applicants is at **Drawing A-1**.

1.3 The Site, in part or in whole, is involved in eleven previous applications (details at paragraph 5 below). The last application (No. A/NE-KTS/520) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 3.3.2023 and the planning permission was subsequently revoked in 2024 due to non-compliance with time-limited approval condition regarding the implementation of fire service installations (FSIs). Comparing with the last application, the current application is submitted by the same applicants for the same use at the same site, but with slight changes in layout and slight increase in total floor area (from about 1,261.31m<sup>2</sup> to about 1,317.81m<sup>2</sup> (+4.48%)) and site coverage (from about 75% to 78%).

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 3.6.2025 (**Appendix I**)  
and 11.6.2025
- (b) Further Information (FI) received on 24.7.2025<sup>#</sup> (**Appendix Ia**)

<sup>#</sup> *accepted and exempted from publication and recounting requirements.*

## **2. Justifications from the Applicants**

The justification put forth by the applicants in support of the application is detailed in the Application Form and FI at **Appendices I** and **Ia** respectively, and summarised as follows:

- (i) The FSIs implemented under the previous approval (No. A/NE-KTS/520) were not accepted by the Fire Services Department and the approval was subsequently revoked due to non-compliance with approval condition. A new application for the same use is hence submitted;
- (ii) The applied use will have no adverse traffic impact on the area. To ensure the safety of road users, signboards will be installed on both sides of the entrance gate and staff will be appointed to manage traffic at the entrance and exit; and
- (iii) The applicant will apply for a Short Term Waiver (STW) to regularise the unauthorised structure at Lot 1619 upon planning permission is obtained. If planning permission is not granted, the concerned unauthorised structure will be removed. For the unauthorised structure located at Lot 1617 outside the Site, the applicant will demolish immediately.

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

The applicants are the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in Town Planning Board (TPB) Guidelines PG-No. 31B for owner’s consent/notification are not applicable.

4. **Background**

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

5. **Previous Applications**

- 5.1 The Site, in part or in whole, is the subject of 12 previous applications (No. A/NE-KTS/64, 108, 127, 166, 185, 215, 264, 311, 367, 452, 493 and 520) for various temporary open storage/storage/warehouse/workshop uses. 11 of them were approved with conditions by the Committee and one application (No. A/NE-KTS/185) for open storage use was rejected by the Board upon review. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 11 applications (No. A/NE-KTS/64, 108, 127, 166, 215, 264, 311, 367, 452, 493 and 520) for various temporary open storage/storage/warehouse/workshop uses (including one for renewal of planning approval granted) were approved with conditions by the Committee between 1997 and 2023 and the last seven approved applications were submitted by the same applicants of the current application between 2005 and 2023. These previous applications were approved by the Committee mainly on the grounds of being in line with the TPB Guidelines for “Application for Open Storage and Port Back-up Uses”; not having any development programme at the Site; not frustrating the long-term planning intention of the “REC” zone; not incompatible with the surrounding uses; and having no objection or no adverse comment from relevant government departments consulted or their concerns could be addressed by imposing approval conditions. Planning permissions under applications No. A/NE-KTS/108, 127, 166, 493 and 520 were revoked due to non-compliance with approval conditions. Comparing with the last application (No. A/NE-KTS/520), the current application is submitted by the same applicants for the same applied use at the same site with slight changes in layout and development parameters as mentioned in paragraph 1.3 above.
- 5.3 Application No. A/NE-KTS/185 for open storage use was rejected by the Board upon review in 2004 mainly on the considerations that the proposed use did not comply with the then TPB Guidelines for “Application for Open Storage and Port Back-up Uses” in that the approval conditions of previous approvals on the provision of run-in/out, loading/unloading and parking facilities, and drainage facilities, and the

implementation of landscaping proposals had not been complied with.

## **6. Similar Applications**

There are three similar applications (No. A/NE-KTS/486, 514 and 527), covering two sites, for temporary godown/warehouse uses within the same “REC” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2020 and 2023 mainly on the similar considerations as mentioned in paragraph 5.2 above. Details of these similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Fan Kam Road via a village road; and
- (b) fenced off, hard paved and used for storage of electronic parts with ancillary office without valid planning permission.

7.2 The surrounding areas are rural in nature with mainly warehouses, storage yards workshops, a restaurant and a religious institution to the south and residential structures to the north of the Site. To the further west across Fan Kam Road are largely vacant land, temporary structures for warehouse/restaurant uses and residential structures, whereas the village settlement of Ying Pun is located to the further south.

## **8. Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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

9.1 Apart from the government department as set out in 9.2 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 comments on the application:

**Land Administration**

9.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) 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. No right of access via GL is granted to the Site;
- (b) Lot Nos. 1618 and 1620 both in D.D. 100 are covered by a STW No. 1457 for the purpose of storage of metal ware and ancillary facilities. The GL falls within the Site is covered by a Short Term Tenancy (STT) No. 1609 for the purpose of open storage of metal ware. The proposed sizes and uses of structures and GL involved in the Site do not tally with that permitted under the STW & STT;
- (c) the following irregularities covered by the application have been detected by his office:
  - there is an unauthorised structure on Lot No. 1619 in D.D. 100. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (d) the following irregularity not covered by the application have been detected by his office:
  - there is an unauthorised structure extended from the said private lots to Lot No. 1617 in D.D. 100 not covered by the planning application. Erection of unauthorised structures should not be encouraged. The lot owners should remove the unauthorised structures immediately. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (e) the lot owners/applicant shall either (i) remove the unauthorised structures mentioned in (c) and (d) above immediately; or (ii) include the unauthorised structure mentioned in (d) above in the application for further consideration by the relevant departments. Subject to the approval by the Board of the application, which shall have reflected the rectification or amendment as aforesaid required, apply to this office for modification of the STW & STT conditions where appropriate, and the lot owner of Lot No. 1619 in D.D. 100 shall apply for STW to regularise the unauthorised structures erected/to be erected on site. The applications will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The

applications, if approved, will be on the whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date when the unauthorised structures were erected and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered; and

- (f) Unless and until the unauthorised structures are duly rectified by the lot owners/applicant or entirely included in the application, his office has adverse comment to the application which must be brought to the attention of the Board.

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

On 13.6.2025, the application was published for public inspection. During the statutory publication period, two public comments were received, including one from an individual objecting to the application mainly on the concern that the non-compliance of approval condition under the previous application relating to FSIs has put the community at risk; and one from a member of the North District Council indicating no comment on the application (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse (electronic parts) with ancillary office for a period of three years at the Site zoned “REC” on the OZP (**Plan A-1**). While the applied use is not in line with the planning intention of “REC” zone, there is no known development project at the Site and no facilities under the purview of the Director of Leisure and Cultural Services would be affected due to the application. Approval of the application for a temporary use at the Site would not frustrate the long-term planning intention of the “REC” zone. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 11.2 The applied use is considered not incompatible with the surrounding land uses, which are predominantly warehouses, workshops, open storage yards and residential structures (**Plan A-2a**). All the warehouse activities will be undertaken within the two enclosed structures. The Director of Environmental Protection (DEP) also advised that no environmental complaint was received against the Site in the past three years. The Chief Town Planner/Urban Design & Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the applied use is not incompatible with the landscape setting in the proximity and significant adverse landscape within the Site from the applied use is not anticipated.

- 11.3 Concerned government departments consulted, including the Commissioner for Transport, DEP, Chief Engineer/Mainland North of Drainage Services Department, Chief Highway Engineer/New Territories East, Highways Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicants will also be advised to follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses” issued to minimise any potential environmental nuisance caused by the applied use. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within and outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 The Site is involved in 11 previously approved applications for temporary open storage/storage/warehouse/workshop uses and seven of which are submitted by the same applicants as the current application as stated in paragraph 5.2 above. While the planning permissions under the last two applications (No. A/NE-KTS/493 and 520) were revoked in 2022 and 2024 respectively due to non-compliance with approval condition on the implementation of FSIs proposal, the applicants have submitted FSIs proposal in support of the current application. Should the Committee decide to approve the application, the applicant will be advised that if they fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 While there is one previous application for open storage use at the Site rejected by the Committee as mentioned in paragraph 5.3 above, the considerations of this application are not applicable to the current application as the previous application was rejected due to non-compliance with the then TPB Guidelines for “Application for Open Storage and Port Back-up Uses” in that the approval conditions of previous approvals on the provision of run-in/out, loading/unloading and parking facilities, and drainage facilities, and the implementation of landscaping proposal had not been complied with. Given the 11 approved previous applications at the Site and three approved similar applications within the same “REC” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5.2 and 6 above respectively, approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the objecting public comment 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, the Planning Department 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 1.8.2028. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 1.2.2026;
- (b) in relation to (a) above, the implementation of the revised 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 1.5.2026; and
- (c) if any of the above planning conditions (a) or (b) 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 attached 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 applied use is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of the general public and to encourage the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification 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 applicants.



**14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 3.6.2025 and 11.6.2025
<b>Appendix Ia</b>	FI received on 24.7.2025
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1</b>	Location plan
<b>Plans A-2a and 2b</b>	Site plans
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a to 4c</b>	Site photos

**PLANNING DEPARTMENT  
AUGUST 2025**