

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1125

<u>Applicant</u>	: Mr Tang Tsz Mo represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 1749 RP and 1905 RP (Part) in D.D.107 and Adjoining Government Land (GL), Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 9,091m ² (including GL of about 665m ² (7.3%))
<u>Lease</u>	: New Grant No. YL533 for agricultural purpose
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Comprehensive Development Area (1)” (“CDA(1)”) <i>[restricted to a maximum plot ratio (PR) of 1.2 and a maximum building height (BH) of 16 storeys]</i>
<u>Application</u>	: Temporary Open Storage of Construction Materials with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “CDA(1)” 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 hard-paved, partly fenced-off, partly occupied by open storage of construction materials and erected with some temporary structures without valid planning permission (**Plans A-2 to 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 applied use involves a total area of about 5,861m² (about 64.5% of the Site) for open storage of construction materials (such as scaffolds, bricks, tiles, columns, screws, etc.) with a maximum stacking height of 2.5m (**Drawing A-1**). The remaining area of the Site is for circulation and provision of two parking spaces for private car and two loading/unloading spaces for container vehicle. Peripheral metal fence wall of 2.5m in height will be erected along the boundary of the Site. No storage of dangerous goods, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved. The operation hours will be between 8:00 a.m. and

7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

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

- (a) Application Form with attachments received on 3.6.2025 (**Appendix I**) and 6.6.2025
- (b) Further Information (FI) received on 28.7.2025* (**Appendix Ia**)

** 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 FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The temporary nature of the application would not jeopardise the long-term planning intention of the “CDA(1)” zone. The applied use is not incompatible with the surrounding areas and is in line with the relevant Town Planning Board Guidelines for application for open storage and port back-up uses.
- (b) The applied use will involve infrequent trips of only three anticipated vehicle trips per hour during peak hours and sufficient space will be provided for vehicles to manoeuvre smoothly within the Site. Peripheral metal fence wall will be erected to minimise potential nuisance to the surrounding areas. The proposed operation time will avoid the sensitive hours to minimise any environmental nuisance. Adverse traffic and environmental impacts are not anticipated.
- (c) Regarding the Lands Department (LandsD)’s concern on lease breaches at the private lot not covered by the Site, the applicant will liaise with the lot owners and the relevant parties for rectification of the lease breaches 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 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. For the GL portion of the Site, the ‘Owner’s Consent/Notification’ Requirements are not applicable.

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 not subject to any active enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under Town Planning Ordinance would be undertaken.

6. **Previous Application**

Since the Site has been rezoned to “CDA(1)”¹, it is subject to a previous application No. A/YL-KTN/604 which covers most of the “CDA(1)” zone for proposed comprehensive residential development approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2019². The 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 the location is shown on **Plan A-1**.

7. **Similar Applications**

7.1 There are two similar applications (No. A/YL-KTN/1020 and 1085) for temporary open storage use within the same “CDA(1)” zone in the vicinity of the Site in the past five years. These applications were approved with conditions by the Committee in 2025 mainly on the considerations that the temporary approval would not jeopardise the long-term planning intention of the “CDA(1)” zone; the proposed/applied use was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions; and the application was generally 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**.

7.2 A similar application No. A/YL-KTN/1130 for proposed temporary warehouse and open storage of construction machineries and materials within the same “CDA(1)” zone will be considered at the same meeting (**Plan A-1**).

¹ The “CDA(1)” area was rezoned from “Undetermined” (“U”) in 2014. When the Site was zoned “U”, there were two other previous applications (No. A/YL-KTN/91 for pond filling approved by the Committee in 1999 and A/YL-KTN/295 for temporary recycling manufactory rejected by the Board upon review in 2008).

² The implementation of the proposed comprehensive residential development under application No. A/YL-KTN/604 is still subject to land acquisition and the validity of the planning permission was extended to 22.3.2027.

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

8.1 The Site is:

- (a) hard-paved, partly fenced-off, partly occupied by open storage of construction materials and erected with some temporary structures without valid planning permission; and
- (b) accessible from Shui Mei Road via local tracks.

8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouse (including a site with valid planning permission), parking of vehicles, hobby farm (with valid planning permission), vacant land and grassland. To the northwest across a watercourse and Shui Mei Road is a medium-rise residential development namely Park Yoho.

9. Planning Intention

The “CDA(1)” zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

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 objects to the application:

Land Administration

Comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD:

- (a) objects to the application;
- (b) the Site comprises GL, Lots No. 1749 RP and 1905 RP both in D.D. 107 held under New Grant No. YL533 for the purpose of agriculture and no structures shall be erected on the lots;
- (c) a minor portion of Lot No. 1905 RP in D.D. 107 is covered by Short Term Waiver (STW) No. 1132 for private residential purposes;
- (d) no permission is given for occupation of GL (about 665m² as mentioned in the applicant’s submission) included in the Site. Any occupation of

GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap.28);

- (e) there is/are unauthorized structure(s) within Lot No. 1905 RP in D.D. 107 not covered by the application. The lot owner(s) should immediately rectify/apply for regularisation on the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
- (f) the lot owner(s)/applicant shall either (i) remove the unauthorized structure(s) not covered by the application immediately; or (ii) include the unauthorized structure(s) in the application for further consideration by the relevant government departments and, subject to the approval of the Board to the application which shall have reflected the rectification or amendment as aforesaid required, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate and the lot owner(s) shall apply to his office for an STW and Short Term Tenancy (STT) to permit the structure(s) erected within the said private lot(s) and occupation of GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL; and
- (g) unless and until the authorized structure(s) are duly rectified by the lot owner(s)/applicant or entirely included in the application, his objection to the application must be brought to the attention of the Board.

10.3 The following government department does not support the application:

Environment

Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective;
- (b) based on the information provided, the applied use would not involve dusty operation but it would involve use of heavy vehicles (i.e. container vehicles). There are residential buildings within 100m from the boundary of the Site and within 50m from the access road leading to the Site. As such, according to the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP'), it is anticipated that the applied use would cause environmental nuisance to the residential buildings nearby;
- (c) there was no substantiated environmental complaints received against the Site in the past three years; and

- (d) in the event that the application is approved, advisory comments are at **Appendix V**.

11. Public Comment 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 an individual objecting to the application mainly on the grounds that applied use is not in line with the planning intention of the “CDA(1)” zone and it may lead to contamination to the Site and the surrounding areas (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction materials with ancillary facilities a period of three years at the Site zoned “CDA(1)” (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “CDA(1)” zone, the subject “CDA(1)” zone is largely covered by the approved application No. A/YL-KTN/604 for proposed comprehensive residential development and the implementation of which is still subject to land acquisition. In this regard, it is considered that approving the application on a temporary basis would not jeopardise the implementation of the approved comprehensive residential development or the long-term planning intention of the “CDA(1)” 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.
- 12.2 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouse, parking of vehicles, residential development, hobby farm, vacant land and grassland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant adverse landscape impact arising from the applied use is not anticipated.
- 12.3 Whilst DEP does not support the application as the applied use involves use of heavy vehicles and there are sensitive receivers in the vicinity of the Site, peripheral metal fence wall of 2.5m in height will be erected and the proposed access to the Site via the existing local tracks will not pass through the residential development to the northwest (**Plan A-2**). Besides, according to the applicant, it is anticipated that infrequent trips of only three vehicle trips per hour will be involved during peak hours and there will be no operation during the sensitive hours as well as Sundays and public holidays. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the applied use should the Committee approve the application. The operation of the applied use is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD’s concerns on the unauthorized structure(s) on the concerned lot outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve 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, except DEP and DLO/YL, LandsD, other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. Concerns from DEP and DLO/YL, LandsD can be addressed as mentioned in paragraph 12.3 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.5 There are two approved similar applications within the same “CDA(1)” zone in the vicinity of the Site as mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment 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 comment 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 1.8.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 1.2.2026;
- (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 1.5.2026;
- (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 12.9.2025;
- (e) the submission of a 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;
- (f) in relation to (e) 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 1.5.2026;

- (g) 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; and
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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 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 applied use is not in line with the planning intention of the "CDA(1)" zone which is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. 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

Appendix I	Application Form with attachments received on 3.6.2025 and 6.6.2025
Appendix Ia	FI received on 28.7.2025
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 comment
Appendix VII	Fire Services Department's good practice guidelines for open storage sites
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2025**