

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1130

<u>Applicant</u>	: Mr. TSUI Ming Tuen represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lot 1560 (Part) in D.D. 107, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 9,000m 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>	: “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>	: Proposed Temporary Warehouse and Open Storage of Construction Machineries and Materials for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse and open storage of construction machineries and materials 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 fenced-off and partly hard-paved, largely vacant and erected with some temporary structures (**Plans A-2** and **A-4**).
- 1.2 The Site is accessible from Shui Mei Road (**Plans A-2** to **A-4**). According to the applicant, the proposed uses involve a single-storey structure with height of not more than 6.5m and total floor area of about 2,600m² for warehouse in the western portion of the Site, and an area of about 4,550m² (50.6% of the Site) for open storage with a maximum stacking height of 5m, both for storage of construction machineries and materials (such as barricades, pipes, metal rods, electric generators and excavators) (**Drawing A-1**). No workshop activities, storage of dangerous goods or use of container trailers/tractors will be involved. Two loading/unloading (L/UL) spaces for medium goods vehicle (MGV) or heavy goods vehicle (HGV) 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. 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 10.6.2025 (**Appendix I**) and 12.6.2025
- (b) Further Information (FI) received on 18.7.2025* (**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 proposed uses are in line with the relevant Town Planning Board Guidelines for application for open storage and port back-up uses. They are not incompatible with the surrounding areas with some open storage sites. The proposed uses are to meet the open storage and warehousing demand in the area.
- (b) The proposed uses will involve infrequent trips with a maximum of two MGVs or HGVs travelling to the Site each day during the operation hours and sufficient space will be provided for the vehicles to manoeuvre smoothly within the Site. For the proposed layout, the warehouse will be located in the western portion which will separate the open storage area and vehicular manoeuvring space from the existing residential development to the west of the Site. The proposed operation time will avoid the sensitive hours to minimise any environmental nuisance. Adverse traffic and environmental impacts on the surrounding areas are not anticipated.
- (c) Regarding the Lands Department (LandsD)'s concern on lease breaches at the Site, the applicant will take appropriate follow-up actions including submission of Short Term Waiver (STW) application to LandsD.

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 publishing newspaper 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 not subject to any active enforcement action.

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 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/1125 for temporary open storage of construction 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 five previous applications (No. A/YL-KTN/95 for pond filling approved with conditions by the Committee in 1999; No. A/YL-KTN/193 for temporary parking and open storage rejected by the Committee in 2004; A/YL-KTN/210, 256 and 281, all for temporary open storage rejected by the Committee or the Board upon review between 2004 and 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) fenced-off and partly hard-paved, largely vacant and erected with some temporary structures; and
- (b) accessible from Shui Mei Road.

8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouse, parking of vehicles, grassland and vacant land to the northeast, east and south of the Site. To the west and northwest of the Site is a medium-rise residential development namely Park Yoho. To the south across Shui Mei Road is a watercourse.

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 has adverse comment 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 Lot No. 1560 in D.D. 107 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) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or use(s) on the private lot covered by the application which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and

- (d) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lot. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed uses are temporary in nature, only erection of temporary structure(s) will be considered.

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 applicant's submission, the proposed uses would not involve dusty operation but it would involve use of heavy vehicles (i.e. MGV or HGV). There are residential structures within 100m from the boundary of 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 proposed uses would cause environmental nuisance to the residential structures nearby;
- (c) there was no substantiated environmental complaint 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 17.6.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual expressing views that there is a lack of information provided on the current site condition and no previous approval was granted for the same proposed uses at the Site (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary warehouse and open storage of construction machineries and materials for a period of three years at the Site zoned "CDA(1)" (**Plan A-1**). Whilst the proposed uses are 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 proposed uses on a temporary basis of three years.

- 12.2 The proposed uses are 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, grassland and vacant land. According to the applicant, the proposed layout with the warehouse structure of not more than 6.5m in height located in the western portion of the Site will separate the open storage area and vehicular manoeuvring space from the residential development to the west of the Site. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the proposed uses are not anticipated.
- 12.3 Whilst DEP does not support the application as the proposed uses involve use of heavy vehicles and there are sensitive receivers in the vicinity of the Site, according to the applicant, it is anticipated that infrequent trips of only two vehicles will be involved each day during operation hours and there will be no operation during the sensitive hours as well as Sundays and public holidays. Besides, as mentioned above, the open storage area and vehicular manoeuvring space will be separated from the residential development by the warehouse structure proposed in the western portion of the Site. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the proposed uses should the Committee approve the application. The operation of the proposed uses is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or use(s) on the concerned lot of 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’s and 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 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 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 proposed uses are 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 10.6.2025 and 12.6.2025
Appendix Ia	FI received on 18.7.2025
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**