

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

**APPLICATION NO. A/YL-KTN/1119**

<b><u>Applicant</u></b>	: Mr. TANG Wing Yat Tommy
<b><u>Site</u></b>	: Lots 1394 (Part) and 1396 (Part) in D.D. 107, Kam Tin North, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 3,198.3m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: 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-1a**). 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 largely vacant, partly covered by weeds and partly deposited with some construction materials (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Shui Mei Road via local tracks (**Plans A-1a, A-2 and A-3**). According to the applicant, the proposed use involves an area of about 1,849m<sup>2</sup> (57.8% of the Site) in the northern part of the Site for open storage of vehicles, vehicle parts, machineries and construction materials with a maximum stacking height of 5m. The open storage area will be set back by 1m from site boundary for reducing disturbance to the surroundings (**Drawing A-1**). No structure will be erected and two new trees are proposed to be planted within the Site (**Drawing A-3**). The applicant also applies for proposed filling of land for about 3,189m<sup>2</sup> (99% of the Site) with soil and concrete of not more than 1m in depth (to a level of not more than 13mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fencing of 2.5m in height will be erected on all sides of the Site. Though-access within the Site connecting to the

remaining area of Lot 1396 to the north of the Site will be maintained via two access gates proposed on the northern site boundary (**Drawing A-1** and **Plan A-2**). No recycling, cleansing, dismantling, repairing or other 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, land filling area and tree planting proposal submitted by the applicant are on **Drawings A-1** to **A-3** respectively.

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

- (a) Application Form with attachments received on 19.5.2025 (**Appendix I**) and 26.5.2025
- (b) Further Information (FI) received on 10.7.2025<sup>#</sup> (**Appendix Ia**)

<sup>#</sup> *accepted but not 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 use can meet the market demand for open storage use. The temporary nature of the current application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding land uses and there are similar applications approved in the vicinity of the Site.
- (b) To minimise disturbance or pollution to the streamcourse and wooded area to the south of the Site, the designated open storage area is located in the northern part of the Site and plastic mesh fence will be erected on site boundary during land filling works. The open storage area will also be set back by 1m from site boundary for reducing disturbance to the surroundings. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site.

## **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 subject to an active planning enforcement action (No. E/YL-KTN/735) against unauthorized development (UD) involving land/pond filling, dumping and site formation (**Plan A-2**). Reinstatement Notice was issued on 9.6.2025 requiring reinstatement of the concerned land by 9.9.2025. If the Notice is not complied with, prosecution action would be considered.

## **6. Previous Application**

A minor portion in the north of the Site is involved in one previous application No. A/YL-KTN/811 for temporary animal boarding establishment for three years approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2022. Its considerations are not relevant to the current application due to different use involved. Details of the previous application are summarised in **Appendix III** and its location is shown on **Plan A-1b**.

## **7. Similar Applications**

There are 10 similar applications for temporary open storage (with three of them also involving warehouse use) with filling of land 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-1a**.

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

8.1 The Site is:

- (a) vacant, partly covered by weeds and partly deposited with some construction materials; 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 yards/warehouse (including two sites with valid planning permissions), animal boarding establishment, residential structures, grassland and vacant land. To the south of the Site is a streamcourse and across which is a woodland cluster.

## **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 department as set out in paragraph 10.2 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 IV** and **V** respectively.
- 10.2 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 27.5.2025 and 18.7.2025, the application and FI were published for public inspection. During the statutory public inspection periods, five public comments including two from Kadoorie Farm and Botanic Garden Corporation, one from World Wide Fund for Nature Hong Kong and two from the same individual were received, 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 impacts on the Agricultural Priority Areas and adverse 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-1a**). 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 yards/warehouse, animal boarding establishment, residential structures, grassland and vacant land. 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 adverse landscape impact is not anticipated. To minimise disturbance or pollution to the streamcourse and wooded area to the south of the Site, the open storage area is proposed in the northern part of the Site and plastic mesh fence will be erected during land filling works. In this regard, DAFC has no adverse comment on the application from nature conservation perspective.
- 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 departments consulted, including the Commissioner for Transport and Director of Fire Services, 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 Aspect of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use.
- 12.5 There are 10 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years 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 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 5.9.2028. 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 5.3.2026;
- (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 5.6.2026;
- (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 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 5.3.2026;
- (e) in relation to (d) 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 5.6.2026;
- (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 application 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 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 received on 19.5.2025 and 26.5.2025
<b>Appendix Ia</b>	FI received on 10.7.2025
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous and similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Drawing A-3</b>	Tree planting proposal
<b>Plan A-1a</b>	Location plan
<b>Plan A-1b</b>	Previous application plan

<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a and A-4b</b>	Site photos

**PLANNING DEPARTMENT  
SEPTEMBER 2025**