

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1144

<u>Applicant</u>	: Creation Prospect Construction Engineering Limited represented by R-riches Planning Limited
<u>Site</u>	: Lots 913 RP (Part) and 914 in D.D. 107, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 509m 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>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) 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-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). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is hard-paved, fenced-off and largely vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Mei Fung Road (**Plans A-2 and A-3**). According to the applicant, the proposed use for storage of miscellaneous goods (such as kitchenware, electronic goods, furniture, etc.) involves two single-storey structures with height of about 8.23m and a total floor area of about 398m² for warehouse and a covered loading/unloading (L/UL) space for light goods vehicle (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.2m in depth (to a level of about 8.7mPD) for site formation and vehicular circulation (**Drawing A-2**). No open storage, storage of dangerous goods or workshop activities will be involved at 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 and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of a previous application No. A/YL-KTN/890 (details at paragraph 5 below) submitted by the same applicant as the current application for the same use which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023, and the planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions. Compared with the previous application, the current application is the same in terms of site area/boundary, layout and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 9.7.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 1.9.2025* (**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 use can relieve the pressing demand for warehouse in the New Territories. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there were similar applications approved within the same “AGR” zone.
- (b) The Site is the subject of previously approved application No. A/YL-KTN/890 submitted by the same applicant. The applicant had attempted several compliance submissions for drainage proposal under the previous approval which were however considered not acceptable by the government department and the applicant did not have sufficient time to submit further revised proposal. The applicant had also been waiting for approval of the Short Term Waiver before erecting structures and implementing the fire service installations (FSIs) proposal under the previous permission. In support of the current application, the applicant has submitted the corresponding drainage and FSIs proposals.
- (c) The applied filling of land is necessary to meet the operational needs and no further filling of land will be carried out. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse environmental and traffic impacts are not anticipated.
- (d) Regarding the Lands Department (LandsD)’s concern on lease breaches at the Site, the applicant will take appropriate follow-up actions including application for modification to the Short Term Wavier (STW) conditions 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.

4. Background

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

5. Previous Application

The Site is the subject of a previous application No. A/YL-KTN/890 submitted by the same applicant as the current application for the same use which was approved with conditions by the Committee in 2023 mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns could be addressed by approval conditions. The planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals. Compared with the previous application, the current application is the same in terms of site area/boundary, layout and major development parameters. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are 37 similar applications for temporary warehouse with filling of land/pond (including three also involving open storage use) 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 2022 and 2025 mainly on the similar considerations as mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 Two similar applications No. A/YL-KTN/1118 and 1146 for temporary warehouse with associated filling of land within the same “AGR” zone will be considered at the same meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) hard-paved, fenced-off and largely vacant; and
- (b) accessible from Mei Fung Road.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, eating place (with valid planning permission), residential structures, hobby farm, farmland, grassland and vacant land.

8. Planning Intention

8.1 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.

8.2 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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 at **Appendices III** and **IV** respectively.

9.2 The following government department has adverse comments 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 Lots No. 913 RP and 914 both 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) Lot No. 914 in D.D. 107 is covered by STW No. 5755 for the purpose of Temporary Warehouse (other than Dangerous Goods Godown) and Ancillary Uses as may be approved by DLO;
- (d) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or use(s) on Lot No. 913 RP in D.D. 107 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

- (e) if the planning application is approved, 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 a STW to permit the structure(s) erected within Lot No. 913 RP in D.D. 107. 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.

9.3 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 activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

10. Public Comment Received During Statutory Publication Period

On 18.7.2025, 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 the approval conditions under the previous application were not complied with; and there would be adverse drainage impact caused by the proposed use (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Although 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.

- 11.2 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 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.
- 11.3 The proposed use at the Site is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, eating place, residential structures, hobby farm, farmland, 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 significant adverse landscape impact is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), 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 12.2 below. It is also recommended to advise the applicant to follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the proposed use. 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.
- 11.5 The Site is the subject of a previously approved application No. A/YL-KTN/890 for the same use submitted by the same applicant as detailed in paragraph 5 above. Whilst the planning permission under the previous application was revoked in 2024 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals, the applicant has submitted the relevant proposals in support of the current application and the FSIs proposal is considered acceptable by D of FS. In this regard, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should he 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.
- 11.6 There are 37 approved similar applications for temporary warehouse use with filling of land/pond within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department's View

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, PlanD 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 5.9.2028. 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 5.3.2026;
- (b) in relation to (a) above, the implementation of the revised 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 implementation of the accepted 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;
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are 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 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.

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 applicant.

14. Attachments

Appendix I	Application Form with attachments received on 9.7.2025
Appendix Ia	FI received on 1.9.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**