

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1146

<u>Applicant</u>	: Ms. TANG Hiu Wun Tammy represented by Man Chi Consultants and Construction Company Limited
<u>Site</u>	: Lots 1350, 1351, 1352, 1353, 1374 (Part), 1375 (Part), 1377 RP and 1378 RP in D.D. 109 and Lot 76 RP (Part) in D.D. 110, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 6,658.8m 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) with Ancillary Facilities 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) with ancillary facilities 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 partly fenced-off and hard-paved, partly vacant and covered by vegetation in the west, and partly occupied by an animal boarding establishment with some temporary structures in the east without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Po Road (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of construction materials (toilet/bathroom/kitchen appliances, manual machineries, scaffolding bamboos and iron pipes) involves nine single-storey structures with height of not more than 7.5m and a total floor area of about 1,700m² for warehouse and ancillary office; and a designated ancillary open storage area of about 245.2m² (3.7% of the Site) in the south with a maximum stacking height of not more than 1.2m (**Drawing A-**

1). The applicant also applies for regularisation of filling of land for about 1,167.4m² (17.5% of the Site) and proposed filling of land for about 5,491.4m² (82.5% of the Site) with earth and concrete of not more than 0.3m in depth (to a level of not more than 7.6mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fencing will be erected along the site boundary. No open storage outside the designated area, dismantling, maintenance, recycling, cleansing, paint spraying or other workshop activities will be involved. Four parking spaces for private car, four parking spaces for light goods vehicle (LGV) and two loading/unloading spaces for LGV will be provided at the Site. The operation hours will be between 9:00 a.m. and 6:00 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 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 11.7.2025 (**Appendix I**) and 17.7.2025
- (b) Further Information (FI) received on 22.8.2025* (**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 support the demand for storage of construction materials in the New Territories. The temporary nature of the application will not jeopardise the long-term planning intention of the “AGR” zone. The proposed use is compatible with the surrounding areas and there were similar applications approved in the vicinity of the Site.
- (b) The applied filling of land is to meet the operational needs. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse impacts on the surrounding areas are not anticipated.

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

The applicant is not a ‘current land owner’ but has complied with the requirements 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 notices in local newspapers and sending notice to the Pat Heung 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 undertaken.

5. Previous Applications

The Site is the subject of two previous applications, including No. A/YL-KTN/746 for temporary hobby farm and No. A/YL-KTN/805 for temporary animal boarding establishment, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 and 2022 respectively. The considerations of these applications are not relevant to the current application due to different use involved. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are 14 similar applications for temporary warehouse with filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. Except for application No. A/YL-KTN/989, all these applications were approved within conditions by the Committee between 2023 and 2025 mainly on the considerations that the proposed use on a temporary basis could be tolerated; the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or the concerns could be addressed by approval conditions.
- 6.2 Application No. A/YL-KTN/989, of which the application site was located within the inland area of the “AGR” zone and interfacing with an extensive cluster of active farmlands, was rejected by the Committee in 2024 mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “AGR” zone; the proposed use with associated filling of land was not compatible with the surrounding areas; and the applicant failed to demonstrate that there would not be adverse drainage impact. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.3 Two similar applications No. A/YL-KTN/1118 and 1144 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) partly fenced-off and hard-paved, partly vacant and covered by vegetation in the west, and partly occupied by an animal boarding establishment with

some temporary structures in the east without valid planning permission;
and

(b) accessible from Kong Po Road.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses, parking of vehicles, vehicle repair workshop, hobby farm, residential structures, grassland and vacant land. To the east across Kong Po Road is a nullah. To the further south across Kam Tin North River is a low-rise residential development namely Seasons Monarch.

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 department as set out in paragraph 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 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 abandoned with some structures. 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.;
- (c) no comment on the application from nature conservation perspective; and
- (d) advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 18.7.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received from Kadoorie Farm and Botanic Garden Corporation and two individuals 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 is suspected unauthorized development at the Site; there would be potential impacts on the Agricultural Priority Areas; and there is cumulative impact of land filling (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). 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.
- 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 is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouses, parking of vehicles, vehicle repair workshop, hobby farm, 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 significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government 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 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.
- 11.5 There are 14 similar applications for temporary warehouse with filling of land within the same “AGR” zone in the vicinity of the Site in the past five years as

mentioned in paragraph 6.1 above. Whilst one of the applications (No. A/YL-KTN/989) was rejected by the Committee, its planning considerations and circumstances are different from those of the current application. The remaining 13 similar applications were all approved with conditions by the Committee. Approving the current application is in line with the Committee's previous decisions.

- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Moreover, any unauthorized development on the Site would be subject to planning enforcement action.

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 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 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 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 11.7.2025 and 17.7.2025
Appendix Ia	FI received on 22.8.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments

Appendix VI	Fire Services Department's good practice guidelines for open storage sites
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
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**