

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1083

- Applicant** : 賴月良
- Site** : Lots 425 S.A (Part) and 429 RP (Part) in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long
- Site Area** : About 450 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for 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 within the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use is for storage of vehicle, vehicle parts and machinery, comprising one two-storey partially enclosed structure which covers the entire site (not more than 4.8m in height) providing a total floor area of about 619 m² for warehouse, site office, toilet and two private car parking spaces and one loading/unloading (L/UL) spaces for light goods vehicle (**Drawings A-1 to A-2**). Two existing trees at the entrance of the Site and 13 existing trees outside the eastern and southern boundaries of the Site would be maintained by the applicant to provide visual screening. All items are stored within the partially enclosed structure. No car washing, vehicle repairing, inspection, dismantling,

paint spraying or other workshop activities will be allowed at the Site at all times. Sufficient manoeuvring space are also provided within the Site to avoid vehicles turning back to the local access road. No vehicles exceeding 5.5 tonnes will be allowed to be parked/stored on or enter/exit of the Site at all time. The applicant also applies for regularisation of filling of land for the entire Site with concrete in a depth of not more than 0.1m, raising the site level from +6.3mPD to +6.4mPD, for site formation of structures, and parking and L/UL spaces (**Drawing A-3**). The operation hours of the applied use are 24 hours daily. The site layout plan, site coverage plan and the land filling plan submitted by the applicant are at **Drawings A-1** and **A-3** respectively.

1.3 The Site is the subject of six previous applications for temporary storage and parking of private vehicles approved with conditions each for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board between 2007 and 2022 (details in paragraph 5 below). Compared with the last application (No. A/YL-KTS/923), the current application is submitted by the same applicant for temporary warehouse with similar storage purpose at the same site with changes in development parameters and layout to reflect the as-built condition of the structure and the use within the structure.

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

- (a) Application Form with supplementary statement (**Appendix I**) received and Supplementary Information (SI) on 9.7.2025 and 16.7.2025
- (b) Further Information (FI) received on 15.8.2025* (**Appendix Ia**)
- (c) FI received on 26.8.2025* (**Appendix Ib**)

** 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 to Ia**. They can be summarised as follows:

The Site has been used for temporary storage and parking of private vehicles with planning permissions for more than ten years. The applicant owns some precious private cars for collection and needs a place to store the cars, with the remaining space for storage of machinery to support nearby open storage activities. Given the nature and scale of the applied use are compatible with the surrounding areas, no adverse environmental impact will be generated to the surrounding areas. The applicant will also maintain the on-site drainage facilities.

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” Requirement under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting notice at the Site and sending notice to Pat

Heung Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Applications

The Site is the subject of six previous applications (No. A/YL-KTS/407, 517, 617, 707, 819 and 923, including the last two for renewal of planning approval granted) submitted by the same applicant as the current application for temporary storage and parking of private vehicles. All the applications were approved with conditions by the Committee each for a period of three years between 2007 and 2022 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed/applied use was not incompatible with the surrounding areas; relevant government departments consulted in general had no objection or their technical concerns and/or local objections could be addressed by relevant approval conditions. Planning permission under application No. A/YL-KTS/617 was subsequently revoked in May 2014 due to non-compliance with the time-limited approval conditions. For all other previous applications, all approval conditions have been complied with. Compared with the last application (No. A/YL-KTS/923), the current application is submitted by the same applicant for temporary warehouse with similar storage purpose at the same site with changes in development parameters and layout to reflect the as-built condition of the structure and the use within the structure as mentioned in paragraphs 1.2 and 1.3 above. Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6. Similar Applications

There is no similar application for temporary warehouse within the same "AGR" zone. However, there are 11 similar applications covering ten sites (No. A/YL-KTS/946, 959, 997, 1020, 1032, 1045, 1048, 1049, 1051, 1062, 1066) for temporary warehouse use with or without filling of land at other "AGR" zones on the same OZP in the past five years. All these applications were approved with conditions by the Committee between 2023 and 2025 mainly on the similar considerations as stated in paragraph 5. Moreover, policy support was given for applications No. A/YL-KTS/946, 959 and 1032 to facilitate relocation of business operation displaced by government projects. Planning permission for application No. A/YL-KTS/946 was subsequently revoked in November 2024 due to non-compliance with time-limited approval conditions. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kam Tin Road via a local track; and
 - (b) currently formed and occupied by the applied use without valid planning permission.
- 7.2 The surrounding areas comprise predominantly warehouses, parking of vehicles, open storage yards (including one with valid planning permission under application No. A/YL-KTS/1008), vehicle repair workshop, site office, animal boarding establishments (with valid planning permissions under applications No. A/YL-KTS/867 and 935), scattered residential structures, grassland, cultivated agricultural land, vacant land and Au Tau Water Treatment Works.

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 paragraphs 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

- 9.2.1 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 occupied by some structures. 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.; and

- (c) no comment on the planning 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, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for 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 applied use is not in line with the planning intention of “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 applied use on a temporary basis with associated filling of land for a period of three years.
- 11.2 Filling of land within 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, who also considers the submitted drainage proposal acceptable, 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.
- 11.3 The applied use is considered not incompatible with the surrounding areas which comprise mainly warehouses, parking of vehicles, open storage yards, vehicle repair workshop, site office, animal boarding establishments, scattered residential structures, grassland, cultivated agricultural land, vacant land and Au Tau Water Treatment Works. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that the applied use is not incompatible with the surrounding landscape setting of the area and significant adverse impact on existing landscape resources is not anticipated, and has no adverse comment on the application from landscape planning perspective.
- 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 possible environmental nuisance generated by the applied use on the surrounding areas.

- 11.5 Given there are six approved previous applications for similar storage use at the Site and 11 approved similar applications within other “AGR” zones on the OZP in the past five years, approving the current application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 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 condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.12.2025;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of the 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;
- (d) in relation to (c) 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;
- (e) if the above planning condition (b) 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), (c) 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 material, 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 applied 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 supplementary statement and SI received on 9.7.2025 and 16.7.2025
Appendix Ia	FI received on 15.8.2025
Appendix Ib	FI received on 26.8.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Site Coverage Plan
Drawing A-3	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**