

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1123

<u>Applicant</u>	: Winner Tech (HK) Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 1213 (Part), 1215 (Part), 1216 (Part), 1217 (Part), 1218, 1219, 1221, 1243, 1244 (Part), 1245 (Part), 1246 (Part), 1247 (Part), 1248 (Part), 1252 (Part) and 1253 (Part) in D.D. 107 and Adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 5,303m ² (including GL of about 258m ² (4.9%))
<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 hard-paved, partly fenced-off, erected with some temporary structures and largely occupied by open storage of construction materials and parking of vehicles without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Shui Mei Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of miscellaneous goods (packaged food, apparel, footwear, electronic goods, furniture, etc.) involves six single-storey structures with height of not more than 3.5m and a total floor area of about 1,296m² for warehouse and ancillary office (**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 not more than 14.2mPD) for site formation and vehicular circulation (**Drawing A-2**). No storage of dangerous goods, open storage, dismantling, maintenance, recycling, cleaning, paint spraying or other workshop activities will be involved at all times. Two parking spaces for private car and four loading/unloading spaces for light goods vehicle will be provided at the Site. A 24-hour through-access along the north-eastern boundary within the Site will be provided to maintain connection with the existing local tracks to the nearby sites (**Drawing A-1**). 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, in whole or in part, is the subject of two previous applications (details at paragraph 5 below) including the last application No. A/YL-KTN/920 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 2025 due to non-compliance with approval conditions. Compared with the last application, the current application is the same in terms of site area/boundary and major development parameters but involves changes in layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 26.5.2025 (**Appendix I**) and 30.5.2025
 - (b) Further Information (FI) received on 23.7.2025[#] (**Appendix Ia**)
[#] accepted but not exempted from publication and recounting requirements
- 1.5 On 18.7.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

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 local warehousing industry 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 a previously approved application No. A/YL-KTN/920 submitted by the same applicant for the same use. The permission was revoked due to non-compliance with approval conditions related to implementation of drainage and fire service installations (FSIs) proposals. Whilst the submitted drainage proposal was considered acceptable by the concerned government department, the applicant did not have sufficient time to implement the accepted

proposal. Besides, the applicant could not obtain in time the Short Term Waiver (STW) from the Lands Department, and the accepted FSIs proposal could not be implemented before erecting the structures with STW approval. 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. Sufficient space is 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.

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. For the GL portion of the Site, the ‘Owner’s Consent/Notification’ Requirements are not applicable.

4. Background

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

5. Previous Applications

- 5.1 The Site, in whole or in part, is the subject of two previous applications (No. A/YL-KTN/833 and 920). Application No. A/YL-KTN/833 for temporary holiday camp was approved with conditions by the Committee in 2022, and the considerations of this application are not relevant to the current application due to different use involved.
- 5.2 Application No. A/YL-KTN/920 submitted by the same applicant as the current application for the same use 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 comments or the concerns could be addressed by approval conditions. The planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions related to implementation of drainage and FSIs proposals. Compared with the last application No. A/YL-KTN/920, the current application mainly involves changes in layout as mentioned in paragraph 1.3 above. 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 39 similar applications involving temporary warehouse with filling of land/pond (including three also with 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 5.2 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 In addition to the above, a similar application No. A/YL-KTN/1091 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, partly fenced-off, erected with some temporary structures and largely occupied by open storage of construction materials and parking of vehicles without valid planning permission; and
 - (b) accessible from Shui Mei Road via local tracks.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses (including five sites with valid planning permissions), animal boarding establishment, plant nursery, car service, residential structures, 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 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. 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 Comments Received During Statutory Publication Periods

On 3.6.2025 and 1.8.2025, the application and FI were published for public inspection. During the statutory public inspection periods, two public comments were received from the same 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 fire safety and drainage impacts on the surrounding areas (**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, animal boarding establishment, plant nursery, car service, 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 (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.
- 11.5 The Site is the subject of a previously approved application No. A/YL-KTN/920 for the same use submitted by the same applicant as detailed in paragraph 5.2 above. Whilst the planning permission under the previous application was revoked in 2025 due to non-compliance with approval conditions related to 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 39 approved similar applications involving 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 comments 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 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 19.9.2028. 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 19.3.2026;
- (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 19.6.2026;

- (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 19.6.2026;
- (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 26.5.2025 and 30.5.2025
Appendix Ia	FI received on 23.7.2025
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
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**