

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1149

<u>Applicant</u>	: Mr. ZHANG Mingzhao represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lots 176 (Part), 179 RP (Part), 207 RP (Part) and 224 (Part) in D.D. 110, Kam Tin North, Yuen Long, New Territories
<u>Site Area</u>	: About 1,501m 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 and Pond 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 and pond 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/pond in the “AGR” zone also requires planning permission from the Board. The Site is hard-paved, vacant and partly fenced-off (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Po Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use for storing construction materials (such as bamboo, scaffoldings, bricks, metal and sand) involves two single-storey structures with height of not more than 9m and a total floor area of about 450m² for warehouse and ancillary office (**Drawing A-1**). The applicant also applies for regularisation of filling of land and pond for about 1,326m² (88.3% of the Site) with concrete of not more than 0.2m in depth and for about 175m² (11.7% of the Site) with soil and concrete of not more than 1.5m in depth respectively (to a level of not more than 17.7mPD) for site formation and vehicular circulation (**Drawing A-2**). All storage items will be kept within the proposed enclosed structures and

peripheral fencing of 3m in height will be erected along the site boundary on all sides. No open storage, maintenance, repairing, dismantling, cleaning or other workshop activities will be involved at all times. Four parking spaces for medium goods vehicle (MGV) will be provided 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/pond 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 21.7.2025 (**Appendix I**)
- (b) Further Information (FI) received on 4.9.2025[#] (**Appendix Ia**)

[#] *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 demand for warehouses in the Yuen Long area. 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 in the vicinity of the Site.
- (b) The applied filling of land/pond 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. No open storage will be involved and adverse impacts on the surrounding areas are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.

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.

5. **Previous Application**

Part of the Site is involved in a previous application No. A/YL-KTN/961 for temporary private vehicle park submitted by the same applicant as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in April 2024, and the planning permission was subsequently revoked in October 2024 due to non-compliance with approval conditions. Considerations of this previous application are not relevant to the current application due to different use involved. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

There are 15 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. 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. Details of the similar 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) hard-paved, vacant and partly fenced-off; and
- (b) accessible from Kong Po Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouse, parking of vehicles, animal boarding establishments (including one with valid planning permission), residential structures, farmland, grassland and vacant land. Existing village settlement of Tsat Sing Kong within the “Village Type Development” zone is to the further east of the Site (**Plan A-1**).

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/pond 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 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 departments do not support the application:

Environment

9.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective;
- (b) based on the applicant's submission, the proposed use would involve dusty operation as sand would be stored at the Site and use of heavy vehicle (i.e. MGV). There are residential structures within 100m from the boundary of the Site. As such, according to the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('CoP'), it is anticipated that the proposed use would cause environmental nuisance to the residential structures nearby;
- (c) no comment on the applied filling of land and pond;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) in the event that application is approved, advisory comments are recommended at **Appendix IV**.

Agriculture and Nature Conservation

9.2.2 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 cemented vacant land. There are some agricultural activities 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 greenhouses and plant nurseries;
- (c) the historical use of the subject pond in the past is uncertain and the pond had been disturbed for years; and

- (d) no comment on the application with filling of land and pond from nature conservation and fisheries perspectives.

10. Public Comment Received During Statutory Publication Periods

On 29.7.2025 and 12.9.2025, the application and FI were published for public inspection. During the statutory public inspection periods, 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 the Site has already been filled without approval (**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 and pond 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 and pond on a temporary basis of three years.
- 11.2 Filling of land/pond 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 has no objection to the application from drainage perspective, and DAFC and DEP have no comment on the applied filling of land and pond from nature conservation and fisheries 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/warehouse, parking of vehicles, animal boarding establishments, residential structures, 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 arising from the proposed use is not anticipated.
- 11.4 Whilst DEP does not support the application as the proposed use involves dusty operation and use of heavy vehicle and there are sensitive receivers in the vicinity of the Site, according to the applicant, peripheral fencing of 3m in height will be erected and the storage items will be kept within enclosed structures. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential nuisance caused by the proposed use should the

Committee approve the application. The operation of the proposed use is also subject to the relevant pollution control ordinances.

- 11.5 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.
- 11.6 There are 15 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 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. 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 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 24.10.2028. 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 24.4.2026;
- (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 24.7.2026;
- (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 revised 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 24.4.2026;
- (e) in relation to (d) above, the implementation of the revised 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 24.7.2026;

- (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 and pond 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 21.7.2025
Appendix Ia	FI received on 4.9.2025
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/pond filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
OCTOBER 2025**