

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1129

<u>Applicant</u>	: Mr. TANG Lam Piu represented by R-riches Planning Limited
<u>Site</u>	: Lot 748 (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 179m 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>	: 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 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 and erected with some temporary structures occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Mei Fung Road via a local track (**Plans A-1 to A-3**). According to the applicant, the applied use for storage of miscellaneous goods (such as kitchenware, toiletries, furniture and consumer electronics) involves a two-storey structure with height of not more than 5.5m and a total floor area of about 121m² for warehouse and ancillary office with rain shelter (**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 open storage, storage of dangerous goods, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved at the Site at all times.

One loading/unloading space for light goods vehicle will be provided at the Site. The operation hours are between 8:00 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 three previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/907 for the same use submitted by the same applicant as the current application. The last application 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 remains unchanged in terms of site area/boundary, development parameters and layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 10.6.2025 (**Appendix I**) and 16.6.2025
 - (b) Further Information (FI) received on 30.9.2025* (**Appendix Ia**)
** accepted and exempted from publication and recounting requirements*
- 1.5 On 1.8.2025, 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 applied use can support the local warehousing industry. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity of the Site.
- (b) Sufficient space is provided for vehicles to manoeuvre smoothly within the Site and the applied use will generate infrequent trips. Adverse impacts are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) Regarding the Lands Department (LandsD)’s concern on lease breaches at the Site, the applicant will take appropriate follow-up actions including submission of Short Term Waiver (STW) application to LandsD upon approval of the current application. For the existing structures erected on the Site, the applicant will rectify the structures according to the applied scheme under 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 undertaken.

5. **Previous Applications**

5.1 The Site is the subject of three previous applications (No. A/YL-KTN/616, 763 and 907). Applications No. A/YL-KTN/616 and 763 for temporary animal boarding establishment were approved with conditions by the Committee in 2018 and 2021 respectively, and their considerations are not relevant to the current application due to different use involved.

5.2 Application No. A/YL-KTN/907 for the same use submitted by the same applicant as the current application was approved with conditions by the Committee in 2023 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 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, the current application remains unchanged 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**

There are 40 similar applications involving temporary warehouse with filling of land/pond (including three 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**.

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

7.1 The Site is:

- (a) hard-paved and erected with some temporary structures occupied by the applied use without valid planning permission; and
- (b) accessible from Mei Fung Road via a local track.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses, vehicle repair workshop, parking of vehicles, a restaurant (with valid planning permission), scattered 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 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 Lot No. 748 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) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or use(s) on the private lot 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

- (d) advisory comments are at **Appendix IV**.

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 occupied with 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 application from nature conservation perspective.

10. Public Comment Received During Statutory Publication Period

On 17.6.2025, 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 there were adverse departmental comments on the previous application; and approval conditions under the previous application were not complied with (**Appendix V**).

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 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 applied 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 (CE/MN, DSD) 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 applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards, warehouses, vehicle repair workshop, parking of vehicles, restaurant, 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 and advises that the applied use is not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied 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 applied 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 an approved previous application No. A/YL-KTN/907 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. The submitted 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 by the Committee, 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 40 approved similar applications involving temporary warehouse use 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.

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

21.11.2028. 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 21.5.2026;
- (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 21.8.2026;
- (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 21.8.2026;
- (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 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 attachments received on 10.6.2025 and 16.6.2025
Appendix Ia	FI received on 30.9.2025
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
NOVEMBER 2025**