

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1182

- Applicant** : Mr. TANG Chi Man represented by R-riches Planning Limited
- Site** : Lots 1876 S.A (Part) and 1876 RP (Part) in D.D. 107, Cheung Chun San Tsuen, Kam Tin, Yuen Long, New Territories
- Site Area** : About 1,628m²
- Lease** : Tai Po New Grant No. 5555 (for fish pond purpose)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Comprehensive Development Area (1)” (“CDA(1)”)
[restricted to a maximum plot ratio of 1.2 and a maximum building height of 16 storeys]
- Application** : Proposed Temporary Open Storage of Construction Materials and Machineries for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machineries for a period of three years at the application site (the Site), which falls within an area zoned “CDA(1)” 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). The Site is largely hard-paved, fenced-off and vacant (**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 involves an area of about 876m² (53.8% of the Site) for open storage of construction materials (such as steel bars, bricks and tiles) and machineries (such as elevated platforms, digging machines and generators) with a maximum stacking height of 3m (**Drawing A-1**). Peripheral fencing of 2.5m in height will be erected along the Site boundary on all sides. No structure will be erected, and no storage of dangerous goods, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. A loading/unloading (L/UL) space for heavy goods vehicle (HGV) 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. Plan showing the site layout submitted by the applicant is on **Drawing A-1**.

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

- (a) Application Form with attachments received on 20.10.2025 (**Appendix I**) and 24.10.2025
- (b) Further Information (FI) received on 12.12.2025* (**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 help meet the increasing demand for open storage in the New Territories. The Site falls within Category 2 areas under the Town Planning Board Guidelines for application for open storage and port back-up uses. The proposed use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity of the Site.
- (b) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site. Infrequent trips of not more than two trips per day for L/UL by HGV are estimated. Adverse traffic and environmental impacts are not anticipated.
- (c) In response to the public comment which objects to the application as the proposed access to the Site would trespass the adjoining Lot No. 1874 (**Plan A-2**), the applicant will liaise with the concerned land owners to obtain consent for the proposed access arrangement.

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. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under TBP PG-No. 13G, and the relevant extracts of which are at **Appendix II**.

5. **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.

6. **Previous Application**

Majority of the Site is the subject of a previous application No. A/YL-KTN/604, which covers most of the “CDA(1)” zone, for proposed comprehensive residential development approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2019¹, and its considerations are not relevant to the current application due to different use involved. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. **Similar Applications**

There are four similar applications (No. A/YL-KTN/1020, 1085, 1125 and 1130) for temporary open storage within the same “CDA(1)” zone in the vicinity of the Site in the past five years. These applications were approved with conditions by the Committee between January and August in 2025 mainly on the considerations that the temporary approval would not jeopardise the long-term planning intention of the “CDA(1)” zone; the proposed/applied use was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comment or their concerns and public comments, if any, could be addressed by approval conditions; and the application was generally in line with TPB PG-No. 13G. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) largely hard-paved, fenced-off and vacant; and
- (b) accessible from Shui Mei Road via local tracks.

8.2 The surrounding areas are rural in character with an intermix of open storage yards (including a site with valid planning permission), parking of vehicles, residential structures, ponds, grassland, woodland and vacant land. To the south of the Site is an existing watercourse (**Plan A-2**), and the medium-rise residential development namely Park Yoho is located to the further north (**Plans A-1 and A-3**).

¹ The implementation of the proposed comprehensive residential development under application No. A/YL-KTN/604 is still subject to land acquisition. The validity of the planning permission has been extended to 22.3.2027.

9. **Planning Intention**

The “CDA(1)” zone is intended primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

10. **Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 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 at **Appendices IV** and **V** respectively.

10.2 The following government department does not support the application:

Environment

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 not involve dusty operation but it would cause traffic of heavy vehicle (i.e. HGV). According to his review, 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) there was no environmental complaint received against the Site in the past three years; and
- (d) advisory comments are at **Appendix V**.

11. **Public Comments Received During Statutory Publication Period**

On 28.10.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received including one from the owners’ representative of the adjoining Lot No. 1874 (**Plan A-2**) objecting to the application mainly on the grounds that the proposed access to the Site would trespass Lot No. 1874; and another from an individual objecting to the application as the proposed use is not compatible with the surrounding areas (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials and machineries for a period of three years at the Site zoned “CDA(1)” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “CDA(1)” zone, the subject “CDA(1)” zone is largely covered by an approved application (No. A/YL-KTN/604) for proposed comprehensive residential development of which the implementation is still subject to land acquisition. In this regard, it is considered that approving the application on a temporary basis would not jeopardise the implementation of the approved comprehensive residential development or the long-term planning intention of the “CDA(1)” zone. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 12.2 The proposed use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage yards, parking of vehicles, residential structures, ponds, grassland, woodland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application and considers that the proposed use is not incompatible with the surrounding landscape character and significant adverse impact on existing landscape resources is not anticipated.
- 12.3 DEP does not support the application as the proposed use involves the use of heavy vehicle and there are sensitive receivers in the vicinity of the Site. In this regard, according to the applicant, peripheral fencing of 2.5 in height will be erected and not more than two trips per day for L/UL by HGV are estimated. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the proposed use. The operation of the proposed use is also subject to the relevant pollution control ordinances.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that, except DEP, all other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. Concerns from DEP can be addressed as mentioned in paragraph 12.3 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.5 There are four approved similar applications within the same “CDA(1)” zone in the vicinity of the Site as mentioned in paragraph 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment concerning that the proposed access to the Site would trespass the adjoining Lot No. 1874 as mentioned in paragraph 11, the applicant advises that he will liaise with the concerned land owners to obtain consent for the access arrangement. For the remaining public comment, the departmental comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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 19.12.2028. 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 19.6.2026;
- (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 19.9.2026;
- (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 compliance with fire safety requirements 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 19.9.2026;
- (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; and
- (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.

Advisory clauses

The recommended advisory clauses are at **Appendix V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "CDA(1)" zone which is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 20.10.2025 and 24.10.2025
Appendix Ia	FI received on 12.12.2025
Appendix II	Relevant extracts of TPB PG-No. 13G
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comments
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
DECEMBER 2025**