

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/1183**

- Applicant** : Mr. TANG Chik Leung represented by R-riches Planning Limited
- Site** : Lots 706 (Part), 707, 708, 709, 710, 711, 712, 713 (Part), 715 (Part), 716, 717 (Part), 718, 719 (Part), 720, 721 (Part), 722 (Part), 727 S.A (Part) in D.D. 107 and Adjoining Government Land (GL), Fung Kat Heung, Yuen Long, New Territories
- Site Area** : About 3,764m<sup>2</sup> (including GL of about 113m<sup>2</sup> (3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Open Storage and Warehouse of Construction Materials and Machineries and Container Storage Yard and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage and warehouse of construction materials and machineries and container storage yard 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 largely hard-paved, fenced-off, erected with some temporary structures and used for open storage of construction materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Mei Fung Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied use involves an area of about 1,617m<sup>2</sup> (43% of the Site) for open storage of construction materials (such as bricks, tiles and pipes) and machineries (such as excavators and cranes) with a maximum stacking height of 3m and containers with a maximum stacking height of three units; and two single-storey structures with height of not more than 8m and a total floor area of about 477m<sup>2</sup> for warehouses storing construction materials (**Drawing A-1**). The applicant also applies for regularisation of filling of land for about 3,515m<sup>2</sup>

(93.4% of the Site) with concrete of not more than 0.1m in depth (to a level of not more than 19.6mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fencing of 2.5m in height will be erected along the site boundary on all sides. No storage of dusty materials (including cement, earth, aggregates, sand, debris, etc.), dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. Three parking spaces for private car and one loading/unloading (L/UL) space for container vehicle 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 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 21.10.2025 (**Appendix I**) and 27.10.2025
- (b) Further Information (FI) received on 11.12.2025\* (**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 applied use can support the growing demand for storage of construction materials, machineries and containers in the industry. The applied filling of land is necessary to meet the operational needs. The Site falls within Category 2 areas under the Town Planning Board Guidelines for application for open storage and port back-up uses. The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding areas and there were 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 container vehicle are estimated. Adverse traffic and environmental impacts on the surrounding areas are not anticipated.
- (c) Regarding the Lands Department (LandsD)’s concerns on lease breaches and unlawful occupation of GL, the applicant will take appropriate follow-up and rectification actions including submission of Short Term Waiver (STW) and Short Term Tenancy (STT) applications to LandsD after approval of the current 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. For the GL portion of the Site, the 'Owner's Consent/Notification' Requirements are not applicable.

#### **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 TPB 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**

There is no previous application involving the Site.

#### **7. Similar Applications**

There are 55 similar applications for temporary open storage and/or warehouse with filling of land/pond within the same "AGR" zone in Fung Kat Heung and Shui Mei areas in the past five years. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2022 and 2025, mainly on the considerations that the proposed/applied use(s) on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone or could be tolerated; the proposed/applied use(s) was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comments or their concerns and public comments, if any, could be addressed by approval conditions; and the application was in line with TPB PG-No. 13G (for applications involving temporary open storage use). 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, erected with some temporary structures and used for open storage of construction materials without valid planning permission; and
- (b) accessible from Mei Fung Road via local tracks.

- 8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses (including two sites with valid planning permissions), factories, car services, residential structures, grassland, woodland and vacant land.

## **9. Planning Intention**

- 9.1 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.
- 9.2 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.

## **10. Comments from Relevant Government Departments**

- 10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 IV and V** respectively.
- 10.2 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 GL and various Old Schedule Agricultural Lots all 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 Lots No. 707, 708, 709, 710, 711, 712, 717 and 718 all in D.D. 107 covered by the application which 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;
- (d) the GL within the Site (about 113m<sup>2</sup> as mentioned in the applicant's submission) has been fenced-off/unlawfully occupied with unauthorized structure(s) without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take

necessary land control action against the unlawful occupation of GL without further notice; and

- (e) advisory comments are at **Appendix V**.

10.3 The following government departments do not support the application:

**Environment**

10.3.1 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 applied use would not involve dusty operation but it would cause traffic use of heavy vehicle (i.e. container vehicle). 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 applied use would cause environmental nuisance to the residential structures nearby;
- (c) no comment on the applied filling of land;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) advisory comments are recommended at **Appendix V**.

**Agriculture and Nature Conservation**

10.3.2 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. 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.

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

On 28.10.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual

raising concerns mainly on suspected unauthorized development at the Site (**Appendix VI**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary open storage and warehouse of construction materials and machineries and container storage yard 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.
- 12.2 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 has no objection to the application from drainage perspective and DEP has no comment on the applied filling of land from environmental perspective. 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.
- 12.3 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, factories, car services, residential structures, grassland, woodland 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 considers that the applied use is not incompatible with the surrounding landscape character and significant adverse impact on existing landscape resources is not anticipated.
- 12.4 DEP does not support the application as the applied use involves 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 2.5m in height will be erected along the site boundary and not more than two trips per day for L/UL by container vehicle are estimated. To address DEP’s concerns, the applicant will be advised to follow the revised ‘COP’ to minimise any potential nuisance caused by the applied use. The operation of the applied use is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD’s concerns on the unauthorized structures and uses on the concerned lots of the Site and the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 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 DLO/YL, LandsD, DEP and DAFC, all 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. Concerns from DLO/YL, LandsD and DEP can be addressed as mentioned in paragraph 12.4 above. To

address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.

- 12.6 There are 55 approved similar applications for open storage and/or warehouse within the same “AGR” zone in Fung Kat Heung and Shui Mei areas in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment as mentioned in paragraph 11, the departmental comments and planning assessments above are relevant. Moreover, any unauthorized development on the Site would be subject to planning enforcement action.

### **13. Planning Department’s View**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment 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 submission of a 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 19.6.2026;
- (e) in relation to (d) 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 19.9.2026;
- (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 V**.

- 13.3 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.

### **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**

<b>Appendix I</b>	Application Form with attachments received on 21.10.2025 and 27.10.2025
<b>Appendix Ia</b>	FI received on 11.12.2025
<b>Appendix II</b>	Relevant extracts of TPB PG-No. 13G
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comment



<b>Appendix VII</b>	Fire Services Department's good practice guidelines for open storage sites
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4</b>	Site photo

**PLANNING DEPARTMENT  
DECEMBER 2025**