

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1190

- Applicant** : Mr. TANG Pak Kiu represented by Mr. TANG Lok San
- Site** : Lot 1061 RP (Part) in D.D. 109, Kam Tin North, Yuen Long, New Territories
- Site Area** : About 1,618.3m²
- 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** : 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 currently hard-paved, fenced-off and used for open storage of wheels and construction materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Tai Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of metal, plastic pipes, machineries, vehicle parts and construction materials involves five single-storey structures with height of not more than 8m and a total floor area of about 746m² for warehouse, ancillary office and toilet (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.3m in depth (to levels of not more than 11.2mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fencing of 3m in height will be erected along the site boundary on all sides. No open storage, storage of dangerous goods, recycling, cleansing, repairing, dismantling or other workshop

activities will be involved at the Site at all times. Three loading/unloading spaces for light goods 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 The Site is the subject of a previous application No. A/YL-KTN/970 for the same use submitted by the same applicant as the current application (details at paragraph 5 below), which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024 and the planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions. Compared with the previous application, the current application remains unchanged in site area/boundary but involves an increase in floor area (+66m²/+9.7%) with a similar layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 25.11.2025 (**Appendix I**) and 1.12.2025
 - (b) Further Information (FI) received on 16.1.2026* (**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 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. There are similar applications approved within the same “AGR” zone in the vicinity.
- (b) In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) The applicant indicates that he will rectify the structures and uses extending outside the site boundary and conform to the 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 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. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. **Previous Application**

The Site is the subject of a previous application No. A/YL-KTN/970 for the same use submitted by the same applicant which was approved with conditions by the Committee in 2024 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 bureau/departments consulted generally had no adverse comment or their concerns and public comments could be addressed by approval conditions. The planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals. Compared with the previous application, the proposal under the current application is largely similar as mentioned in paragraph 1.3 above. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are 11 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. Application No. A/YL-KTN/989, being located in part of the inland area of the “AGR” zone and interfacing with extensive clusters of active farmland, was rejected by the Committee in 2024 mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “AGR” zone; the proposed use with land filling was not compatible with the surrounding areas; and the applicant failed to demonstrate that there would not be adverse drainage impact.
- 6.2 The remaining 10 similar applications, being located in areas without extensive interface with active farmland clusters; near main access road; and/or surrounded by or clustering with open storage/storage yards/warehouses separated from village settlements, were all approved with conditions by the Committee between 2023 and 2025 mainly on the similar considerations as mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.3 One similar application No. A/YL-KTN/1188 for renewal of planning approval for temporary storage 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) currently hard-paved, fenced-off and used for open storage of wheels and construction materials without valid planning permission;
- (b) accessible from Kong Tai Road via local tracks; and
- (c) partly within the Tai Kong Po Site of Archaeological Interest (**Plans A-1 and A-2**).

7.2 The immediate surrounding areas are rural in character mainly with an intermix of open storage yards, scattered farmland/residential structures/temporary structures and plant nursery to the north and south. Kam Tin River is to the east across the local track. To the further west are extensive clusters of active farmland in the inland area of the “AGR” zone (Plan A-3**).**

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 Bureau/Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other bureau/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 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 Comment Received During Statutory Publication Period

On 2.12.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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**). 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. Nevertheless, 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 adjacent 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 proposed use is considered not incompatible with the immediate surrounding areas which are rural in character mainly with an intermix of open storage yards, scattered farmland/residential structures/temporary structures and plant nursery. 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 adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 Other relevant government bureau/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 an approved previous application No. A/YL-KTN/970 for the same use submitted by the same applicant as detailed in paragraph 5 above. Whilst the planning permission under the previous application was revoked in 2025 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals, in support of the current application, the applicant has submitted the relevant drainage and FSIs proposals. 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 11 similar applications for temporary warehouse in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Whilst one of the similar applications (No. A/YL-KTN/989) was rejected by the Committee, its planning considerations and circumstances are different from those of the current application. The remaining 10 similar applications, with considerations and circumstances more comparable to the current application, were all approved with conditions by the Committee. Approving the current application is in line with the Committee's previous decisions.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 23.1.2029. 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 23.7.2026;
- (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 23.10.2026;
- (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 23.10.2026;

- (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 25.11.2025 and 1.12.2025
Appendix Ia	FI received on 16.1.2026
Appendix II	Previous and similar applications
Appendix III	Government bureau/departments' general comments
Appendix IV	Recommended advisory clauses

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
JANUARY 2026**