

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1071

- Applicant** : Ching Yeung (Tai Kong Po) Limited represented by Allgain Land Planning Limited
- Site** : Lots 1595 S.A, 1595 S.B and 1595 RP (Part) in D.D. 113, Ma On Kong, Kam Tin, Yuen Long¹
- Site Area** : About 1,930m²
- Lease** : New Grant No. 1340 for the purpose of Agriculture
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- 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 within the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved, fenced-off, occupied by some open storage and storage use of construction materials and miscellaneous items and some temporary structures without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kam Ho Road via a local track (**Plans A-1 and A-3**). According to the applicant, the Site will be sub-divided into three fenced-off portions (the northern, central and southern portions). The proposed use with a total floor area of about 908m² involves eight structures, including one single-storey warehouse and one two-storey site office (both with a height of not more than 7m)

¹ The address provided by the applicant on the Application Form is Lot 1595 (Part) in D.D. 113. As advised by the District Lands Officer/Yuen Long, Lands Department, Lot No. 1595 in D.D. 113 has been carved out as Lots 1595 S.A, 1595 S.B and 1595 RP.

at each of the three portions as well as two single-storey structures (with a height of not more than 3m) for portable toilet and meter room at the northern portion. An ingress/egress of about 4m in width and a loading/unloading space for light goods vehicles will be provided in the northern portion, and goods will be delivered to the central and southern portions by trollies through a 1.2m wide gate for each portion. To minimise the disturbance to the “Conservation Area” (“CA”) zone to the immediate east of the Site (**Plan A-2**), a 5m-wide buffer area is proposed along the eastern boundary of the Site and no activities would be carried out within the buffer area. The applicant will also remove the existing hard paving within the proposed buffer area. Solid metal fence wall of 1.8m in height will be erected along the boundary of the Site, for sub-division of three portions and between the operation area and the buffer area (**Drawing A-1**). All items will be stored within the enclosed structures, and no dangerous goods will be stored at the Site. No open storage, assembling, dismantling, maintenance and other workshop activities will be carried out at the Site at all times. No medium and heavy goods vehicle and container/trailer/ tractor will be allowed to enter the Site. Sufficient manoeuvring space will also be provided within the Site to ensure that no vehicles will turn back outside the Site.

- 1.3 The applicant also applies for regularisation of filling of land of about 1,600 m² (about 82.9% of the Site) with concrete of not more than 0.2m in depth to a level of not more than +25.6mPD for site formation of structures and vehicular circulation. The proposed operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The site layout plan and the land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on (Appendix I)
2.5.2025
- (b) Further Information (FI) received on 11.6.2025* (Appendix Ia)
- (c) FI received on 2.7.2025# (Appendix Ib)
- (d) FI received on 3.9.2025# (Appendix Ic)
- (e) FI received on 18.12.2025# (Appendix Id)

* accepted and but not exempted from publication and recounting requirements

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- 1.5 On 1.8.2025 and 24.10.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each 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 FIs at **Appendices I to Id**. They can be summarised as follows:

- (a) There has been no active agricultural activity for years at the Site. The proposed use can meet the increasing demand for warehouse in recent years due to the land

resumption in Hung Shui Kiu and Ha Tsuen areas and support the local warehousing and storage industry.

- (b) The surrounding areas are dominated by open storage yards and temporary structures. The proposed use is not incompatible with the surrounding uses. The proposed use is temporary in nature and approval of the current application will not frustrate the long-term planning intention of the “AGR” zone.
- (c) Filling of land is necessary for site formation of structures and vehicular circulation. The applicant undertakes to reinstate the Site upon expiry of the planning approval.
- (d) There are similar applications No. A/YL-KTS/997 and A/YL-KTS/1020 for temporary warehouse (excluding dangerous goods godown) approved by the Committee within the “AGR” zone in the vicinity of the Site.
- (e) Upon approval of the application, the applicant will submit to the Lands Department (LandsD) the necessary application for Short Term Waiver as appropriate for implementing the proposed use.
- (f) The proposed use will not result in adverse environmental, sewage, drainage and fire safety impacts to the surrounding areas and adequate measures will be provided to mitigate any impacts arising from the proposed use. In support of the application, the applicant has submitted a drainage proposal. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) to minimise the environmental impacts.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Applications

The Site is the subject of three previous applications (No. A/YL-KTS/421, 781 and 991). Applications No. A/YL-KTS/421 and 781 for temporary open storage of construction materials and machinery for a period of three years were rejected by the Board upon review and dismissed by the Town Planning Appeal Board in 2008 and 2020 respectively. Application No. A/YL-KTS/991 submitted by the same applicant as the current application for proposed temporary animal boarding establishment with ancillary facilities for a period of three years and filling of land was approved by the Committee in 2024 and the planning permission was subsequently revoked in November 2025. Considerations of these applications are irrelevant to the current application due to different use involved. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are five similar applications (No. A/YL-KTS/997, 1020, 1048, 1049 and 1066) for temporary warehouse with ancillary facilities/office and filling of land for a period of three years within the same “AGR” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2024 and 2025 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed/applied use was not incompatible with the surroundings; and the relevant government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions. Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kam Ho Road via a local track; and
- (b) hard-paved, fenced-off, occupied by some open storage and storage use of construction materials and miscellaneous items and some temporary structures without valid planning permission.

7.2 The surrounding areas are rural in character comprising predominantly open storage and storage yards, farms, scattered residential structures and vacant land. To the immediate east of the Site is an area zoned “CA” which is mainly covered by woodlands and there is a watercourse to the southwest of the Site. The permitted burial ground of Ho Pui Tsuen is located to the further east of the Site (**Plan A-2**).

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 department 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 department does not support the application:

Agriculture and Nature Conservation

9.2.1 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 generally vacant with some structures. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the planning application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Periods

On 9.5.2025 and 17.6.2025, the application and FI were published for public inspection. During the statutory public inspection periods, three public comments objecting to the application were received from the Village Representative (VR) of Ho Pui Tsuen and an individual. The VR of Ho Pui Tsuen objects to the application mainly on the grounds that the proposed use was close to the burial ground of Ho Pui Tsuen; environmental impact on Tai Lam Country Park was anticipated; there were unauthorized structures at the Site prior to the approval of planning application; and the applicant should liaise with villagers of Ho Pui Tsuen to address their concerns and resolve the access right issue as the proposed access road would pass through several private lots. An individual objects to the application mainly on the grounds that there were no justifications for brownfield operation at the Site, which is adjacent to “CA” zone and does not fall within Category 2 areas of 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); current activities at the Site may have encroached upon the abutting “CA” zone; and the adverse impact on the adjacent “CA” zone and nearby watercourse should be addressed.

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**). Whilst the proposed use is not in line with the planning intention of “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the 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 within 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 and Director of Environmental Protection have no objection

to the application from public 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. The applicant also undertakes to reinstate the Site upon expiry of the planning approval.

- 11.3 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly open storage and storage yards, farms, scattered residential structures, vacant land and woodland. To minimise disturbance to the adjacent “CA” zone, a buffer area of 5m in width is proposed along the eastern boundary of the Site (**Plan A-2**) and no activities would be carried out within the buffer area. The applicant will also remove the existing hard paving and solid metal fence wall of 1.8m in height would be erected along the boundary of the Site, for sub-division of three portions and between the operation area and the buffer area (**Drawing A-1**). According to the layout plan (**Drawing A-1**) and the site plan (**Plan A-2**), the Site and the proposed use will not encroach upon the watercourse to the south of the Site. DAFC has no comment on the application from nature conservation perspective. 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 proposed use is not incompatible with the surrounding landscape setting and significant adverse landscape impact on landscape resources arising from the proposed use is not anticipated.
- 11.4 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. It is also recommended to advise the applicant to follow the revised ‘CoP’ issued by the Environmental Protection Department to minimise possible environmental nuisance generated by the proposed use on the surrounding areas.
- 11.5 Given that there are five approved similar applications 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.
- 11.6 For the public comments mentioned in paragraph 10 above, should the application be approved by the Committee, the applicant will be advised to resolve the land issues relating to the proposed use, including access right, with the concerned owner(s), and to take immediate action to remove any structures not covered by the permission at the Site. Furthermore, the Site does not fall within the permitted burial ground of Ho Pui Tsuen or Tai Lam Country Park; and TPB PG-No. 13G, is not applicable to the current application as no open storage or port back-up use is involved. Departmental comments and planning assessments above are also relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments 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 6.2.2029. 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 6.8.2026;
- (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 6.11.2026;
- (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 6.8.2026;
- (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 6.11.2026;
- (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 material, 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 2.5.2025
Appendix Ia	FI received on 11.6.2025
Appendix Ib	FI received on 2.7.2025
Appendix Ic	FI received on 3.9.2025
Appendix Id	FI received on 18.12.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	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-4a and 4b	Site Photos

PLANNING DEPARTMENT
FEBRUARY 2026