

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1112

<u>Applicant</u>	: Tomorrow View Limited represented by R-riches Planning Limited
<u>Site</u>	: Lots 355 RP (Part), 356 S.B (Part), 356 RP, 359 RP (Part), 360 RP (Part), 361, 362 (Part), 363 and 364 (Part) in D.D. 103 and Adjoining Government Land, Kam Tin South, Yuen Long, New Territories
<u>Site Area</u>	: About 3,416m ² (including GL of about 236m ² (6.9%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Open Storage and Warehouse (Construction Materials and Machinery) and Associated Filling of Land for a Period of Three Years

1. **The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage and warehouse (construction materials and machinery) 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-1a**). 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 occupied by open storage of vehicles, construction machineries and materials without valid planning permission (**Plans A-2 and A-4**).

- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-1a to A-3**). According to the applicant, the proposed use involves an area of about 1,729m² (about 50.6% of the Site) for open storage of construction materials (such as bricks, tiles, pipes etc.) and machineries (such as excavators, cranes etc.) with a maximum stacking height of 3m; and three single-storey structures with a height of not more than 9m and a total floor area of about 590m² for warehouse storing miscellaneous goods (such as apparel, electronic goods, furniture etc.) (**Drawing A-1**). No containers, dangerous goods and dusty materials (including cement, earth, pulverized fuel ash, aggregates, silt, stonefines, sand, debris, sawdust and

wooden chips) will be stored within the Site and no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. Solid metal fencing of 2.5m in height will be erected along the site boundary to minimise potential nuisance to the surrounding areas. Two private car parking spaces and one loading/unloading space for container vehicle and sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will turn back onto the local access. 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.

- 1.3 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 site level ranging from +5.2mPD to +5.4mPD for site formation of structures, open storage, parking and loading/unloading spaces. No additional land filling will be carried out. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.4 The Site, in part or in whole, was involved in 11 previous applications for various open storage, vehicle repair workshop and recycling centre uses (**Plan A-1b**) (details in paragraph 6 below). Compared with the last application No. A/YL-KTS/879 for open storage use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021, the current application is submitted by the same applicant covering a smaller site area with addition of warehouse use and consequential changes in development parameters and layout.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on (**Appendix I**) 23.12.2025
 - (b) Further Information (FI) received on 28.1.2026* (**Appendix Ia**)
 - (c) FI received on 3.2.2026* (**Appendix Ib**)

** 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 uses can support the growing demand in the construction industry and the development of various New Development Areas. The Site falls within Category 2 areas under 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) and there are similar applications approved in the vicinity of the Site. The proposed uses are not incompatible with the surrounding areas and the temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone while better utilising precious land resources in the New Territories.

- (b) The applied filling of land is necessary to meet the operational needs and no further land filling would be carried out at the Site under the current application. The applicant undertakes to reinstate the Site to an amenity area upon expiry of the planning approval.
- (c) The proposed uses would not induce adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas. Solid metal fencing of 2.5m in height will be erected along the site boundary and the applicant will strictly follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department and relevant environmental protection/pollution control ordinances to minimize potential nuisance to the surrounding areas. In support of the application, the applicant has submitted a fire service installations (FSIs) proposal and photographic records of the existing drainage facilities.
- (d) Upon approval of the application, the applicant will follow up with the necessary applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department (LandsD) as appropriate for implementing the proposed uses.

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

The applicant is not a ‘current land owner’ but has complied with the requirements 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 Member’s inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

4. Background

The Site is not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken.

5. Town Planning Board Guidelines

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. Relevant extracts of the Guidelines are at **Appendix II**.

6. Previous Applications

- 6.1 The Site was involved in 11 previous applications (No. A/YL-KTS/65, 148, 198, 293, 404, 509, 605, 667, 685, 743 and 879) for various open storage, vehicle repair workshop and recycling centre uses, amongst which nine were approved and two

were rejected by the Committee. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

Approved Applications

6.2 Three applications (No. A/YL-KTS/65, 148 and 879) for temporary open storage of vehicles with/without construction materials/prefabrication components and site office each for a period of 12 months/three years were approved by the Committee between 1997 and 2021, mainly on the considerations that approval on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed/applied use was not incompatible with the surrounding land uses; relevant government departments consulted in general had no objection to or no adverse comment; the technical/public concerns could be addressed by appropriate approval conditions; and the application was in line with TPB PG-No. 13G (for application No. A/YL-KTS/879). Compared with the last approved application No. A/YL-KTS/879, the current application is submitted by the same applicant covering a smaller site area with addition of warehouse use and consequential changes in development parameters and layout. All time-limited approval conditions have been complied with and the planning permission lapsed in 2024.

6.3 Other six applications (No. A/YL-KTS/198, 293, 404, 509, 605 and 743) for temporary vehicle repair workshop each for a period of three years were approved with conditions by the Committee between 2000 and 2027. The considerations of these applications are not relevant to the current application which is for different uses.

Rejected Applications

6.4 Application No. A/YL-KTS/667 for temporary metal recycling centre and open storage of scrap metal, concrete and machinery with ancillary office and application No. A/YL-KTS/685 for temporary open storage (concrete from demolished buildings) each for a period of three years covering a larger site area (5,567.1m² and 5,641.3m²) were rejected by the Committee in 2015 and 2016 respectively, mainly on the considerations that the applied use was not in line with the planning intention of the “AGR” zone; the application did not comply with the prevailing versions of TPB PG-No. 13G in that the applied use was not compatible with the surrounding land uses, the residential dwellings/structures would be susceptible to adverse environmental nuisance generated by the applied use, and there were adverse comments from the relevant government departments and local objections; and the applicant failed to demonstrate that the applied use would not generate adverse environmental and drainage impacts on the surrounding areas.

7. Similar Applications

There are four similar applications (No. A/YL-KTS/896, 922, 1008 and 1083) (including three for renewal of planning permission granted) covering three sites for temporary open storage of vehicles with/without container trailers/tractors parks and warehouse within the same “AGR” zone in the vicinity of the Site in the past five years. All the applications

were approved with conditions by the Committee between 2021 and 2025 on similar considerations as stated in paragraph 6.2 above. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Kam Tin Road via a local access; and
- (b) currently hard paved, fenced-off and occupied by open storage of vehicles, construction machineries and construction materials without valid planning permission.

8.2 The surrounding areas are rural in character comprising predominantly brownfield operations (including open storage of vehicles, warehouses, vehicle repair workshops and car services), site office, scattered residential structures, cultivated agricultural land, vacant land and woodland. Tsing Long Highway and Kam Tin Road are located to the north of the Site.

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 the Relevant Government Departments

10.1 Apart from the government departments 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 in **Appendices IV** and **V** respectively.

10.2 The following government departments have adverse comments on/do not support the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Yuen Long (DLO/YL), LandsD:

- (a) has adverse comments on the application;

- (b) the Site comprises GL and Old Schedule Agricultural Lots 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) no permission is given for occupation of GL (about 236m²) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap.28;
- (d) the following irregularity has been detected:
unauthorized structure(s) within the private lot(s) covered by the application
LandsD has reservation on the application since there is/are unauthorized structure(s) and/or uses on Lots No. 356 S.B, 356 RP, 360 RP, 361, 362, 363 and 364 all in D.D. 103 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;
- (e) his advisory comments are in **Appendix V**.

Agriculture and Nature Conservation

10.2.2 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 and is generally vacant. 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 adverse comment from nature conservation perspective.

Environment

10.2.3 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 uses do not involve dusty operation but they would cause traffic of heavy

vehicles (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 ‘CoP’, it is anticipated that the proposed uses 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) his advisory comments are in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 30.12.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on the compliance status of the conditions under previous applications for the Site and illegal occupation of GL; and that the approval period of the current application should be limited to one year (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage and warehouse (construction materials and machinery) and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1a**). Whilst the proposed uses are 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 proposed uses with associated filling of land on a temporary basis of three years.
- 12.2 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 DEP has no objection to or no comment on the applied filling of land from public drainage and environmental planning perspectives. 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.
- 12.3 The proposed uses are considered not incompatible with the surrounding areas which comprise predominantly brownfield operations, site office, scattered residential structures, cultivated agricultural land, vacant land, woodland as well as Tsing Long Highway and Kam Tin Road. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment from landscape planning perspective and considers that the proposed uses are not

incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from proposed uses is not anticipated.

12.4 DEP does not support the application as the proposed uses involve use of heavy vehicle and there are sensitive receivers in the vicinity of the Site. Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. Besides, solid metal fencing of 2.5m in height will be erected along the site boundary to minimize potential nuisance to the surrounding areas. Should the planning application be approved, the applicant will be advised to follow the revised 'COP' to minimise any potential environmental nuisance caused by the proposed uses on the surrounding areas. The operation of the proposed uses is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD's concerns on the unauthorized structures 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. The applicant also commits to rectify lease breaches.

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 who also considers the submitted FSIs proposal acceptable, 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 13.2 below.

12.6 There are three approved previous applications for temporary open storage uses involving the Site and four approved similar applications for temporary open storage or warehouse use within the same "AGR" zone in the vicinity of the Site in the past five years as mentioned in paragraphs 6.2 and 7 above respectively, approving the current application is in line with the Committee's previous decisions.

12.7 Regarding the public comment mentioned in paragraph 11, all the time-limited approval conditions of the last previous application No. A/YL-KTS/879 submitted by the same applicant as the current application were complied with, and the applicant has also committed to rectify the lease breaches. The departmental comments and planning assessments above are also relevant.

13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 above 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 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 condition record of the existing drainage facilities implemented on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.5.2026;
- (b) in relation (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 6.11.2026;
- (d) if the above planning condition (b) 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;
- (e) if any of the above planning condition (a) or (c) 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
- (f) 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 proposed uses with associated filling of land are 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

Appendix I	Application Form with attachments received on 23.12.2025
Appendix Ia	FI received on 28.1.2026
Appendix Ib	FI received on 3.2.2026
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 Comment
Drawing A-1	Site Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

PLANNING DEPARTMENT
FEBRUARY 2026