

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1201

- Applicant** : Asia Jet Limited represented by Allgain Land Planning Limited
- Site** : Lots 1160, 1173 (Part), 1174 RP (Part), 1175 RP (Part) and 1176 RP in D.D. 109, Kam Tin, Yuen Long
- Site Area** : About 4,600m²
- 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 (Storage of Construction Materials) 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 (storage of construction materials) 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 cleared of vegetation and formed, fenced-off, and partly used for open storage of construction materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the application is to facilitate relocation of his storage operation in Fung Kat Heung, Kam Tin which is affected by the government project of Northern Link (NOL) Main Line. The site of the affected operation has been reverted to the Government.
- 1.3 The Site is accessible from Chi Ho Road (**Plans A-1 to A-4**). According to the applicant, the proposed use for storage of construction materials involves six structures of not more than two storeys with height of not more than 8m with a total coverage area of about 1,230m² (about 26.7% of the Site) and a total floor area of about 1,310m² for warehouse and ancillary site office (**Drawing A-1**). The uncovered area of about 3,370m² (about 73.3% of the Site) is mainly

proposed as loading/unloading (L/UL) area and vehicular manoeuvring space (**Drawing A-1**). The applicant also applies for proposed filling of land for the entire Site with concrete of not more than 0.2m in depth (to a level of about 5mPD) for site formation and circulation (**Drawing A-2**). No open storage, storage of dangerous goods, recycling, cleansing, repairing, dismantling or other workshop activities will be involved at the Site at all times. Four L/UL spaces for light goods vehicle will be provided at the Site. The operation hours will be between 9:00 a.m. and 5:00 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.

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

- (a) Application Form with attachments received on 30.12.2025 (**Appendix I**)
- (b) Further Information (FI) received on 11.2.2026* (**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 applicant is a logistics company and the application is to facilitate the relocation of his original storage operation in Fung Kat Heung, Kam Tin, which is affected by the implementation of NOL Main Line. The storage business at the affected site is currently still in operation pending clearance. The affected site is the subject of a previously approved application No. A/YL-KTN/848¹ with the planning permission already lapsed.
- (b) The Site is the only land which the applicant can identify for the relocation and it has to be rented in entirety from the land owner. The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. Adverse traffic, environmental, drainage and fire safety impacts on the surrounding areas are not anticipated.

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.

¹ Application No. A/YL-KTN/848, with a site area of about 1,944m², was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 26.8.2022 for temporary open storage of construction machinery, construction materials and ancillary parking of medium/heavy goods vehicles and container trailers/tractors for a period of three years in the “Other Specified Uses” annotated “Railway Reserve” zone in Fung Kat Heung, Kam Tin. The planning permission lapsed on 27.8.2025.

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

There is no previous application involving the Site.

6. Similar Applications

There are three similar applications (No. A/YL-KTN/970, 989 and 1190), involving two sites, for temporary warehouse with filling of land within the same “AGR” zone in Kong A Leng area 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 active farmland clusters, 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 associated filling of land was not compatible with the surrounding areas; and the applicant failed to demonstrate that there would not be adverse drainage impact. Applications No. A/YL-KTN/970 and 1190, covering the same site with the surrounding areas mainly occupied by existing residential structures/temporary structures and plant nursery without extensive interface with active farmland clusters, were approved with conditions by the Committee in 2024 and 2026 respectively, mainly on the considerations that the proposed use was not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their concerns and public comments could be addressed by approval conditions. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Chi Ho Road;
- (b) currently cleared of vegetation and formed, fenced-off, and partly used for open storage of construction materials without valid planning permission; and
- (c) located in the southern fringe of the “AGR” zone and interfacing with active farmland clusters to the northeast (**Plans A-1 and A-3**).

7.2 The surrounding areas are rural in character with an intermix of active farmland, grassland, woodland, scattered residential structures and plant nursery to the east, northeast and north of the Site, which form part of the active farmland clusters extending to the further northeast in the inland “AGR” area of Kong A Leng largely undisturbed by brownfield uses (**Plans A-2 and A-3**). To the west are

grassland and a temple with columbarium, and to the further northwest is a vegetated knoll covered by woodland and designated as permitted burial ground in the “Green Belt” zone (**Plans A-1 to A-3**). To the southeast and southwest are storage yard and formed vacant land respectively, both subject to planning enforcement actions (No. E/YL-KTN/738 and 749) against unauthorized developments (UDs) involving storage and parking of vehicle uses (**Plan A-2**). Kam Tin North River is to the south across Chi Ho Road.

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 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 Comments Received During Statutory Publication Period

On 6.1.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received from Kadoorie Farm and Botanic Garden Corporation and individuals objecting to the application mainly on the

grounds that the proposed use is not in line with the planning intention of the “AGR” zone; there may be potential impacts on the Agricultural Priority Areas and adverse drainage, environmental and traffic impacts on the surrounding areas; and extending brownfield operation to the Site is not justified (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (storage of construction materials) 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. DAFC does not support the application from agricultural perspective as there are active agricultural activities and agricultural infrastructures in the vicinity of the Site and the Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. Whilst the applicant claims that the application is to facilitate relocation of the brownfield operation affected by NOL Main Line implementation, there is no strong justification for relocating the operation at the affected site with an area of about 1,944m² to the current Site with a significantly larger area of about 4,600m². Besides, there is neither strong justification for proposing majority of the Site (3,370m²/73.3%) as open area, which will be filled with concrete, mainly for L/UL area and vehicular manoeuvring space for the proposed warehouse use (**Drawing A-1**). Taking into account the above and the assessments below, it is considered that no strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- 11.2 The applicant applies for proposed filling of land for the entire Site. 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 and Director of Environmental Protection have no objection to the application from drainage and environmental planning perspectives respectively.
- 11.3 Although the Site is located in the southern fringe of the “AGR” zone in Kong A Leng and the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) notes that the Site is formed with no distinctive landscape character/resources observed and considers that no significant adverse landscape impact is anticipated, the Site is surrounded by active farmland, grassland, woodland, scattered residential structures and plant nursery to the east, northeast and north, which form part of the active farmland clusters extending to the further northeast in the inland area largely undisturbed by brownfield uses (**Plans A-2** and **A-3**), whilst the storage yard to the southeast is an UD subject to planning enforcement action (**Plan A-2**). The proposed use with associated filling of land is considered not compatible with the active farmland clusters in the surrounding areas. Approving the current application might attract similar applications within the area and the cumulative impacts of which would result in a general degradation of the rural environment and character of the area.
- 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.

- 11.5 There are three similar applications for temporary warehouse in Kong A Leng area as mentioned in paragraph 6 above. The two approved similar applications No. A/YL-KTN/970 and 1190, which cover the same site, are without extensive interface with active farmland clusters. The current application therefore does not warrant the similar planning circumstances and considerations of these approved similar applications. On the contrary, for the rejected similar application No. A/YL-KTN/989, which is located in part of the inland area of the “AGR” zone and interfacing with active farmland clusters, its considerations of having no strong planning justification and being not compatible with the surrounding areas are considered relevant to the current application.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD does not support the application for the following reasons:
- (a) 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; and
 - (b) the proposed use with associated filling of land is not compatible with the surrounding land uses.
- 12.2 Alternatively, 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 27.2.2029. 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 27.8.2026;
- (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 27.11.2026;
- (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 27.8.2026;
- (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 27.11.2026;
- (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 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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form with attachments received on 30.12.2025
Appendix Ia	FI received on 11.2.2026
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public Comments
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
FEBRUARY 2026**