

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1180

- Applicant** : Excel Link Development Limited represented by R-riches Planning Limited
- Site** : Lots 1505 RP, 1506 S.A, 1506 S.B, 1506 S.C, 1506 S.D, 1506 S.E, 1506 RP, 1508 RP, 1509, 1510, 1511, 1517, 1518, 1519 RP, 1520 RP, 1522 RP, 1523, 1525, 1555 S.B RP (Part) and 1556 RP in D.D. 107 and Adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories
- Site Area** : About 25,206m² (including GL of about 171m² (0.7%))
- 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 and Pond for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land and pond 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/pond in the “AGR” zone also requires planning permission from the Board. The Site is currently fenced-off, hard-paved, partly occupied by a structure under construction and partly used for open storage of construction materials without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Mei Fung Road (**Plans A-2 to A-4b**). According to the applicant, the proposed use for storage of miscellaneous goods (such as packaged food, apparel, footwear, electronic goods and furniture) involves six single-storey structures with height of not more than 13m and a total floor area of about 13,453m² for warehouse, site office, washroom, fire service pump room and water tank (**Drawing A-1**). The applicant also applies for regularisation of filling of pond for about 1,623m² (6.4% of the Site) for about 0.5m in depth and

regularisation of filling of land for the entire Site (including the pond filling area) with concrete for not more than 1.4m in depth (to levels of not more than 4.9mPD) for site formation (including loading/unloading (L/UL) platform of 1.2m in depth for the warehouse) and vehicular circulation (**Drawings A-2 and A-3**). Peripheral fence wall of 2.5m in height will be erected on all sides. No open storage, storage of dangerous goods, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. 11 parking spaces for private car, seven L/UL spaces for light goods vehicle and seven L/UL spaces for medium goods vehicle (MGV) 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 at **Drawings A-1 to A-3**.

- 1.3 Various parts of the Site are involved in eight previous applications (details at paragraph 5 below), including the last two applications (No. A/YL-KTN/951 and 953), covering the western and eastern portions of the Site respectively, submitted by the same applicant for the same use as the current application which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023, with both planning permissions revoked in 2025 due to non-compliance with approval conditions. The proposed scheme under the current application is a consolidated proposal of the respective schemes under the last two applications No. A/YL-KTN/951 and 953. Compared with these two applications combined, the current application involves the same site area/boundary with changes in number of structures (+2/+50%) and total floor area (+123m²/+1%).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 16.10.2025 (**Appendix I**) and 23.10.2025
 - (b) Further Information (FI) received on 31.10.2025* (**Appendix Ia**)
 - (c) FI received on 4.2.2026# (**Appendix Ib**)
- * *accepted and exempted from publication and recounting requirements*
accepted but not exempted from publication and recounting requirements
- 1.5 On 5.12.2025, the Committee agreed to defer making a decision on the application for two months 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 Ib**, and can be summarised as follows:

- (a) The temporary nature of the proposed use will not frustrate the long-term planning intention of the “AGR” zone. The ponds within the Site have been filled since the 1990s and the applied filling of pond under the current application is to regularise the pond filling. The proposed use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity of the Site.

- (b) The Site is the subject of two approved previous applications No. A/YL-KTN/951 and 953 submitted by the same applicant for the same use as the current application. The current application consolidates the two previous applications for comprehensive management and efficient operation of the proposed use. Although several submissions were made by the applicant to comply with the approval conditions related to submission and implementation of drainage and fire service installations (FSIs) proposals under the previous applications, the compliance submissions were not accepted by the relevant departments and the planning permissions were subsequently revoked. In support of the current application, the applicant has submitted drainage impact assessment (DIA) and FSIs proposal.
- (c) Regarding the public comment concerning land owner's consent for using private lots 1510 and 1511 in D.D. 107 within the Site for the proposed use, the applicant indicates that relevant consent has been subsequently obtained and undertakes to liaise with the relevant land owner(s)/occupant(s) to resolve the land issue after obtaining planning approval.

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 publishing newspaper 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. Background

The Site is currently subject to an on-going planning enforcement action (No. E/YL-KTN/748) against unauthorized development (UD) involving filling of land. Reinstatement Notice was issued on 27.1.2026 requiring reinstatement of the concerned land. If the notice is not complied with, prosecution action would be considered.

5. Previous Applications

- 5.1 Various parts of the Site are involved in eight previous applications. Amongst them, six applications (No. A/YL-KTN/609, 666, 869, 870, 871 and 911) for temporary hobby farm, animal boarding establishment and holiday camp were approved with conditions by the Committee between 2018 and 2023, and their considerations are not relevant to the current application due to different use involved.
- 5.2 The last two applications No. A/YL-KTN/951 and 953, covering the western and eastern portions of the Site respectively, were submitted by the same applicant for the same use as the current application, and they were approved with conditions by the Committee on 8.12.2023 each for a period of three years, 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 departments consulted generally had no adverse comments or their concerns and public comments could be addressed by approval conditions. Both planning permissions were subsequently revoked in 2025 due to non-compliance with approval conditions related to submission and implementation of drainage and FSIs proposals. The proposed scheme under the current application has consolidated these two previous applications and involves changes in the scheme as mentioned in paragraph 1.3 above. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Applications

- 6.1 There are 45 similar applications for temporary warehouse with filling of land/pond (including four also involving open storage with/without container storage yard use) within the same “AGR” zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2022 and 2026 mainly on the similar considerations as mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.
- 6.2 Two similar applications No. A/YL-KTN/1203 and 1210 for temporary warehouse within the same “AGR” zone will be considered at the same meeting (**Plan A-1a**)

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

- 7.1 The Site is:
- (a) accessible from Mei Fung Road to the east and bounded by Shui Mei Road to the south; and
 - (b) currently fenced-off, hard-paved, partly occupied by a structure under construction and partly used for open storage of construction materials without valid planning permission.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards (including a site with valid planning permission), hobby farm/animal boarding establishments with or without place of recreation, sports or culture (with valid planning permissions), scattered residential structures, plant nursery, farmland, grassland, vacant land and ponds. To the further north are active farmland clusters in the inland “AGR” area in Shui Mei and to the further west is the residential development Park Yoho (**Plans A-1a, A-2 and 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/pond 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 departments as set out in paragraphs 9.2 and 9.3 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 III and IV** respectively.

- 9.2 The following government departments do not support the application:

Environment

- 9.2.1 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 proposed use would not involve dusty operation but would involve use of heavy vehicles (i.e. MGV). According to his review, there are residential structures within 100m from the boundary of the Site and within 50m from the access road leading to 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 proposed use would cause environmental nuisance to the residential structures nearby;
- (c) no comment on the proposed filling of land and pond;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

- 9.2.2 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. 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.;
- (c) no comment on the applied filling of land and pond from nature conservation and fisheries perspectives; and
- (d) advisory comments are at **Appendix IV**.

9.3 The following government department conveys local views on the application:

District Officer’s Comments

Comments of the District Officer (Yuen Long), Hong Affairs Department (DO(YL), HAD):

- (a) he has no comment on the application; and
- (b) his office received a public comment¹ from the local residents in Kam Tin on 16.2.2026 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 are suspected ‘destroy first, build later’ activities at the Site; and there would be adverse fire safety, traffic and visual impacts on the surrounding areas.

10. Public Comments Received During Statutory Publication Periods

On 24.10.2025 and 13.2.2026, the application and FI were published for public inspection. During the statutory public inspection periods, five public comments were received including one from the representative of the land owner of private lots 1510 and 1511 in D.D. 107 within the Site expressing concerns that no consent has been given to the applicant for the proposed use at the concerned lots; one from an individual providing views that the approval conditions under the previous applications were not complied with; and three from the local residents in Kam Tin (which is the same as the public comment conveyed by DO(YL), HAD as mentioned in paragraph 9.3 above), the residents of Park Yoho and an individual objecting to the application mainly on the grounds as mentioned in paragraph 9.3(b) above and that there would be adverse drainage impact on the surrounding areas (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and associated filling of land and pond at the Site which is zoned “AGR” (**Plan A-1a**). Whilst the

¹ The same public comment was also received by the Secretariat of the Board during the statutory public inspection period (**Appendix V**).

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 planning assessments below, there is no objection to the proposed use with associated filling of land and pond on a temporary basis of three years.

- 11.2 Filling of land/pond 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 the Drainage Services Department has no objection to the application from drainage perspective, and DEP and DAFC have no comment on the applied filling of land and pond from environmental and nature conservation and fisheries 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 surrounding areas which are rural in character with an intermix of open storage/storage yards, hobby farm/animal boarding establishments with or without place of recreation, sports or culture, scattered residential structures, plant nursery, farmland, grassland, vacant land and ponds. The active farmland clusters and residential development Park Yoho are located to the further north and further west of the Site respectively. 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 arising from the proposed use is not anticipated.
- 11.4 Whilst DEP does not support the application as the proposed use involves use of heavy vehicles and there are sensitive receivers in the vicinity of the Site, according to the applicant, peripheral fence wall of 2.5m in height will be erected along the site boundary. To address DEP’s concerns, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the proposed use should the application be approved by the Committee. The operation of the proposed use will also be subject to the relevant pollution control ordinances.
- 11.5 Other relevant government 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.
- 11.6 The Site is involved in two approved previous applications (No. A/YL-KTN/951 and 953) submitted by the same applicant for the same use as the current application as detailed in paragraph 5.2 above. These two previous applications cover the western and eastern portions of the Site respectively and they have been consolidated under the current application with changes in the scheme as mentioned in paragraph 1.3 above. Both planning permissions were revoked due to non-compliance with approval conditions related to submission and implementation of drainage and FSIs proposals. In support of the current

application, the applicant has submitted DIA and FSIs proposal, and D of FS considers the submitted FSIs proposal acceptable. 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.

- 11.7 There are 45 approved similar applications for temporary warehouse 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.
- 11.8 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. For the public comment regarding land owner’s consent, the applicant indicates that relevant consent has been subsequently obtained, and the applicant will be advised to resolve any land issues relating to the proposed use with the concerned land owner(s) should the Committee approve the application. Nevertheless, the applicant has complied with the “Owner's Consent/Notification” Requirements as mentioned in paragraph 3 above.

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 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 27.3.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised drainage impact assessment 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 27.9.2026;
- (b) in relation to (a) above, the implementation of the drainage facilities identified in the drainage impact assessment 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 27.12.2026;
- (c) in relation to (b) above, the implemented drainage facilities 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 27.12.2026;

- (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 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 and pond 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 16.10.2025 and 23.10.2025
Appendix Ia	FI received on 31.10.2025
Appendix Ib	FI received on 4.2.2026
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments

Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawings A-2 and A-3	Land filling plans
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4a and A-4b	Site photos

**PLANNING DEPARTMENT
MARCH 2026**