

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1203

- Applicant** : Mr. TANG Lok San represented by Mr. TANG Wing Yat Tommy
- Site** : Lots 1363 RP (Part) and 1371 in D.D. 109, Kam Tin, Yuen Long
- Site Area** : About 2,111.5m²
- 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 fenced-off, largely hard-paved, erected with some temporary structures, partly used for open storage of construction materials and machineries and partly used for parking of vehicles without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kong Po Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of metal, pipes, vehicle parts and construction materials and machineries involves three single-storey structures with height of not more than 8m and a total floor area of about 675m² for warehouse and ancillary office; and a designated ancillary open storage area of about 270m² (12.8% of the Site) with a maximum stacking height of not more than 2.5m (**Drawing A-1**). The applicant also applies for filling of land for the entire site, including regularisation of filling of land for about 1,562.1m² (74% of the Site) and proposed filling of land for about 549.4m² (26% of the Site), with concrete of not more than 0.3m in depth (to a level of about 6.5mPD) for site

formation and vehicular circulation (**Drawing A-2**). No storage of dangerous goods, recycling, cleansing, repairing dismantling or other workshop activities will be involved at the Site at all times. One parking space for private car and four loading/unloading spaces for light goods vehicle will be provided at the Site. The proposed operation hours are 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 involved in two previous applications (details in paragraph 5 below), including the last application No. A/YL-KTN/976 for the same use as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024, with the planning permission revoked in 2025 due to non-compliance with approval conditions. Compared with the last application, the current application involves changes in site area (+554m²/+35.6%), number of structures (+1/+50%), total floor area (+243m²/56.3%) and number of parking spaces (-3/-75%).

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

- (a) Application Form with attachments received on 7.1.2026 (**Appendix I**) and 12.1.2026
- (b) Further Information (FI) received on 16.2.2026[#] (**Appendix Ia**)
- (c) FI received on 27.2.2026* (**Appendix Ib**)
- (d) FI received on 6.3.2026* (**Appendix Ic**)

[#] *accepted but not exempted from publication and recounting requirements*

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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 **Ic**, and can be summarised as follows:

- (a) The proposed use can help meet the growing demand for warehouses. The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity of the Site.
- (b) Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site. Adverse impacts are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals.
- (c) Regarding the Lands Department (LandsD)’s concerns on lease breaches, the applicant will take appropriate follow-up and rectification actions including submission of Short Term Waiver application upon approval of the current 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 Applications

5.1 The Site is involved in two previous applications (No. A/YL-KTN/856 and 976). Application No. A/YL-KTN/856 for temporary animal boarding establishment was approved with conditions by the Committee in 2022, and its considerations are not relevant to the current application due to different use involved.

5.2 Application No. A/YL-KTN/976 for the same use submitted by a different applicant from the current application was approved with conditions by the Committee on 19.4.2024 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. The planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSI proposals. Compared with the last application, the current application 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-1**.

6. Similar Applications

6.1 There are 13 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. Applications No. A/YL-KTN/989 and 1201, being located in areas interfacing with active farmland clusters, were rejected by the Committee in 2024 and 2026 respectively mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “AGR” zone; and the proposed use with filling of land was not compatible with the surrounding areas.

6.2 Amongst the remaining 11 similar applications, the sites of nine of them are located in cluster near main access road of Kong Po Road, while the other two (applications No. A/YL-KTN/970 and 1190) covering the same site, though being

located further away from Kong Po Road, does not have extensive interface with active farmland clusters. These 11 similar applications were approved with conditions between 2023 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-1**.

- 6.3 Two similar applications No. A/YL-KTN/1180 and 1210 for temporary warehouse 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 fenced-off, largely hard-paved, erected with some temporary structures, partly used for open storage of construction materials and machineries and partly used for parking of vehicles without valid planning permission; and
- (b) accessible from Kong Po Road via local tracks.

7.2 The surrounding areas are rural in character with an intermix of warehouse/open storage/storage yards, parking of vehicles, repair workshop, plant nursery, hobby farm, scattered residential structures, grassland and vacant land. To the further north across Kong Tai Road are the village settlements of Cheung Kong Tsuen and to the further south across Kam Tin North River is the residential development of Seasons Monarch (**Plans A-1 to 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 Departments

9.1 Apart from the government departments 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 departments have adverse comments on or do not support the application:

Land Administration

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

- (a) has adverse comments on the application;
- (b) the Site comprises 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) LandsD has reservation on the application since there is/are unauthorized structure(s) on Lot No. 1371 in D.D. 109 covered by the application which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) 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 application from nature conservation perspective; and
- (d) advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Periods

On 16.1.2026 and 27.2.2026, the application and FI were published for public inspection. During the statutory public inspection periods, five public comments were received from individuals objecting to the application mainly on the grounds that the proposed access to the Site would trespass the adjoining private lots No. 1367 RP and 1368 RP (**Plan A-2**); suspected unauthorized development is involved at the Site; there would be adverse drainage and fire safety impacts; there would be potential impact on the Agricultural Priority Areas; and approval conditions under the previous application were not complied with (**Appendix V**).

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 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 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 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 surrounding areas which are rural in character with an intermix of warehouse/open storage/storage yards, parking of vehicles, repair workshop, plant nursery, hobby farm, scattered residential structures, grassland and vacant land. 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 landscape setting in the proximity and no significant adverse landscape impact arising from the proposed use is anticipated.
- 11.4 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 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. Regarding DLO/YL, LandsD’s concerns on the unauthorized structure(s) and/or use(s) on the concerned lot of the Site, the applicant will be advised to liaise with LandsD on these land administration matters.
- 11.5 The Site is involved in an approved previous application for temporary warehouse and there are 11 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5.2 and 6.2 above. Although there are two rejected similar applications (No. A/YL-KTN/989 and 1201), these applications are located in areas interfacing with active farmland clusters and their planning circumstances and considerations are not applicable to the current application. Approving the current application is in line with the Committee’ previous decisions.

- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant 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. Besides, any unauthorized development on the Site would be subject to planning enforcement action.

12. Planning Department's View

- 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 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 27.9.2026;
- (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 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 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 7.1.2026 and 12.1.2026
Appendix Ia	FI received on 16.2.2026
Appendix Ib	FI received on 27.2.2026
Appendix Ic	FI received on 6.3.2026
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
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
MARCH 2026**