

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1210

<u>Applicant</u>	: Maxtop Sky Limited
<u>Site</u>	: Lots 777 (Part), 922 (Part), 923 RP and 924 RP in D.D. 107 and Adjoining Government Land (GL), Kam Tin North, Yuen Long
<u>Site Area</u>	: About 1,668m ² (including GL of about 60m ² (3.6%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: 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 largely fenced-off, partly covered by trees and shrubs, and partly hard-paved with some vacant temporary structures erected (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the application is to facilitate relocation of its warehouse operation at a site of about 1,716m² in Ha Tsuen, Yuen Long which was affected by the government project of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). The site of the affected operation has been resumed by the Government and the business operation has been discontinued.
- 1.3 The Site is accessible from Mei Fung Road (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of construction materials (such as tiles and pipes) involves five single-storey structures with height of not more than 8m and a total floor area of about 786m² for warehouse, ancillary office, storage and

electric meter room (**Drawing A-1**). The applicant also applies for filling of land for about 1,625m² (97.4% of the Site), including regularisation of filling of land for about 814m² (48.8% of the Site) and proposed filling of land for about 811m² (48.6% of the Site), with soil and concrete of not more than 0.5m in depth (to a level of about 10mPD) for site formation and vehicular circulation (**Drawing A-2**). Four existing trees within the Site will be felled, whilst two existing trees will be retained in-situ and four new trees will be planted in the unfilled area of the Site as compensation (**Drawing A-1**). Peripheral fencing of 2.5m in height will be erected along the site boundary on all sides. No storage of dangerous goods, open storage, dismantling, maintenance, recycling, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. Two parking spaces for private car and two loading/unloading spaces for light goods vehicle 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 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 9.2.2026 (**Appendix I**) and 16.2.2026
- (b) Further Information (FI) received on 19.3.2026* (**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 application is to facilitate the applicant's relocation of its warehouse operation at a site in Ha Tsuen, Yuen Long which has been resumed by the Government for implementation of the Second Phase Development of HSK/HT NDA. After carrying out a thorough site-selection process, the Site (about 1,668m²) with a size comparable to the affected site (about 1,716m²) is identified as the most suitable for relocation purpose.
- (b) The temporary nature of the proposed use would not jeopardise 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.
- (c) The proposed use will generate infrequent trips. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site. Adverse traffic, environmental, drainage, fire and landscape impacts are not anticipated. In support of the current application, the applicant has submitted a drainage proposal.
- (d) 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 and Short Term Tenancy applications to LandsD after 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 Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to active planning enforcement action (No. E/YL-KTN/729) against unauthorized development (UD) involving storage use (**Plan A-2**). Reinstatement Notice was issued on 12.2.2026 requiring reinstatement of the concerned land by 12.5.2026. If the Notice is not complied with, prosecution action would be considered.

5. Previous Application

The south-western portion of the Site is involved in a previous application No. A/YL-KTN/453 for temporary open storage which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2014, and its considerations are not relevant to the current application due to different use involved. Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

6.1 There are 47 similar applications for temporary warehouse with associated filling of land/pond (including four also involving open storage with/without container storage 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 considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone or could be tolerated; the proposed/applied 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, if any, 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**.

6.2 Two similar applications No. A/YL-KTN/1180 and 1203 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) largely fenced-off, partly covered by trees and shrubs, and partly hard-paved with some vacant temporary structures erected; and
- (b) accessible from Mei Fung Road.

7.2 The surrounding areas are rural in character with an intermix of warehouse/open storage/storage yards, an eating place (with valid planning permission), scattered residential structures, grassland, farmland and vacant land.

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 Bureau/Departments

9.1 Apart from the government bureau/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 bureau supports the application:

Policy Aspect

Comments from the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a brownfield operation as a warehouse (storage of building material such as tiles, pipes etc.) which was previously situated in Yuen Long. The brownfield operation has been affected by the Second Phase Development of the HSK/HT NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the Site under the current application is the most suitable relocation site. The site area under the current application is smaller than the area of the original premises of the affected brownfield operation; and

- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from policy perspective.

9.3 The following government departments have adverse comments on or do not support the application:

Land Administration

9.3.1 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 60m² as mentioned in the applicant's submission) included in the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28);
- (d) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or use(s) on Lots No. 777 and 922 both in D.D. 107 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
- (e) advisory comments are at **Appendix IV**.

Agriculture and Nature Conservation

9.3.2 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 abandoned with some structures. 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 24.2.2026, the application was published for public inspection. During the statutory public inspection period, nine public comments were received from individuals objecting to the application mainly on the grounds that suspected unauthorized development is involved at the Site; there would be adverse traffic, environmental and fire safety impacts on the surrounding areas; there would be potential impact on the Agricultural Priority Areas; and relocating brownfield operation is an abused justification for expanding brownfield use (**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 which is zoned “AGR” (**Plan A-1**). 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. Nevertheless, according to the applicant, the application is to facilitate relocation of its brownfield operation affected by HSK/HT NDA. In this regard, SDEV advises that the application is supported from policy perspective subject to concerned departments’ comments on land use compatibility and technical aspects. Taking into account the planning assessments below and the policy support rendered by SDEV, 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, an eating place, scattered residential structures, grassland, farmland 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 significant adverse landscape impact 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 ‘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 lots within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 There are 47 approved similar applications for temporary warehouse with associated filling of land/pond within the same "AGR" zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Besides, any UD 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 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 27.9.2026;
- (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 27.12.2026;
- (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**.

- 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 9.2.2026 and 16.2.2026
Appendix Ia	FI received on 19.3.2026
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 photo

**PLANNING DEPARTMENT
MARCH 2026**