

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/1163**

- Applicant** : Mr. LAM Tung Man represented by R-riches Planning Limited
- Site** : Lot 973 RP (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
- Site Area** : About 502m<sup>2</sup>
- 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) 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) 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 hard-paved, partly fenced-off, erected with some temporary structures and used for open storage of vehicles without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Mei Fung Road (**Plans A-2 to A-4**). According to the applicant, the proposed use for storage of miscellaneous goods (packaged food, apparel, footwear, electronic goods, furniture, etc.) involves one single-storey structure with height of not more than 8.23m and a total floor area of about 220m<sup>2</sup> for warehouse and covered loading/unloading (L/UL) space (**Drawing A-1**). 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 level of not more than 5.8mPD) for site formation and vehicular circulation (**Drawing A-2**). All storage and L/UL activities will be undertaken within the enclosed structure. 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, repairing,

cleansing, paint spraying or other workshop activities will be involved at the Site at all times. One L/UL space for light goods vehicle will be provided at the Site. The operation hours will be between 9:00 a.m. and 6:00 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 the subject of three previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/1005 for the same use submitted by the same applicant as the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024, and the planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions. Compared with the last application, the current application remains the same in terms of site area/boundary, layout and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 20.8.2025 (**Appendix I**) and 28.8.2025
  - (b) Further Information (FI) received on 26.11.2025\* (**Appendix Ia**)
  - (c) FI received on 9.12.2025\* (**Appendix Ib**)
  - (d) FI received on 10.12.2025\* (**Appendix Ic**)
  - (e) FI received on 20.3.2026\* (**Appendix Id**)

*\* accepted and exempted from publication and recounting requirements*
- 1.5 On 10.10.2025 and 23.1.2026, the Committee agreed to defer making a decision on the application for two months each 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 Id**, and can be summarised as follows:

- (a) the proposed use can support the local warehousing industry in the New Territories. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas and there were similar applications approved within the same “AGR” zone;
- (b) the Site is the subject of a previously approved application No. A/YL-KTN/1005 for the same use submitted by the same applicant. The permission was revoked due to non-compliance with approval conditions related to submission of condition record of existing drainage facilities and implementation of fire service installations (FSIs) proposal. The applicant had made efforts to comply with the approval conditions, but the submitted drainage record was considered not acceptable by the concerned government department. Besides, the applicant could not obtain in time the Short Term Waiver (STW) from the Lands Department, and the accepted FSIs proposal could not be implemented before

erecting the structures with STW approval. In support of the current application, the applicant has submitted record of existing drainage facilities and FSIs proposal; and

- (c) the applied filling of land is necessary to meet the operational needs. Sufficient space is provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse environmental and traffic impacts 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 Kam Tin 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 Town Planning Ordinance will be undertaken.

### **5. Previous Applications**

- 5.1 The Site is the subject of three previous applications (No. A/YL-KTN/636, 898 and 1005). Application No. A/YL-KTN/636 for temporary hobby farm was approved with conditions by the Committee in 2018, and its considerations are not relevant to the current application due to different use involved.
- 5.2 Applications No. A/YL-KTN/898 and 1005 for the same use submitted by the same applicant as the current application were approved with conditions by the Committee in 2023 and 2024 respectively each for a period of three years mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone or 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, if any, could be addressed by approval conditions. The two planning permissions were subsequently revoked in 2024 and 2025 respectively due to non-compliance with approval conditions related to submission of record of existing drainage facilities and implementation of FSIs proposal. Compared with the last application No. A/YL-KTN/1005, the current application remains the same in terms of site area/boundary, layout and major development parameters 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**

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 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**.

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

7.1 The Site is:

- (a) currently hard-paved, partly fenced-off, erected with some temporary structures and used for open storage of vehicles without valid planning permission; and
- (b) accessible from Mei Fung Road.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, parking of vehicles (with valid planning permission), residential structures, farmland, grassland and vacant land. To the further east and southeast across Mei Fung Road is a farmland cluster intermixed with active/fallow farmland, greenhouses, plant nurseries, grassland and scattered structures (**Plan 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 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 in **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 and is occupied by some vehicles. 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 Comment Received During Statutory Publication Period**

On 29.8.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on non-compliance with approval conditions under the previous application (**Appendix V**).

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) 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 surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) 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 open storage/storage yards, parking of vehicles, residential structures, farmland, grassland and vacant land. The applicant also claims that all storage and L/UL activities will be undertaken within the enclosed structure and has proposed to erect peripheral fencing of 2.5m

in height along the site boundary on all sides. 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 significant adverse impact on existing landscape resources is not anticipated.

- 11.4 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. 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.
- 11.5 The Site is the subject of two approved previous applications (No. A/YL-KTN/898 and 1005) for the same use submitted by the same applicant as detailed in paragraph 5.2 above. Whilst both planning permissions were subsequently revoked due to non-compliance with approval conditions related to submission of record of existing drainage facilities and implementation of FSIs proposal, under the current application, the applicant has submitted record of existing drainage facilities and FSIs proposal which are considered acceptable by CE/MN, DSD and D of FS respectively. In this regard, sympathetic consideration may be given to the current application. Should the application be approved, 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 would not be given to any further application.
- 11.6 There are also 47 approved similar applications involving temporary warehouse use with 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 above. Approving the current application is in line with the Committee's previous decisions.
- 11.7 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

## 12. Planning Department's View

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 8.5.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the existing drainage facilities shall be maintained at all times during the planning approval period;

- (b) 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 8.2.2027;
- (c) if the above planning condition (a) 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;
- (d) if the above planning condition (b) 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
- (e) 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**

<b>Appendix I</b>	Application Form with attachments received on 20.8.2025 and 28.8.2025
<b>Appendix Ia</b>	FI received on 26.11.2025

<b>Appendix Ib</b>	FI received on 9.12.2025
<b>Appendix Ic</b>	FI received on 10.12.2025
<b>Appendix Id</b>	FI received on 20.3.2026
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photo

**PLANNING DEPARTMENT  
MAY 2026**