

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

**APPLICATION NO. A/YL-KTN/1192**

- Applicant** : Mr. TANG Lam Piu represented by R-riches Planning Limited
- Site** : Lot 1452 (Part) in D.D. 107 and Adjoining Government Land (GL), Fung Kat Heung, Kam Tin, Yuen Long, New Territories
- Site Area** : About 696m<sup>2</sup> (including GL of about 118m<sup>2</sup> (17%))
- 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, hard-paved, erected with some temporary structures and vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Shui Mei Road via a local access road abutting the Site (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of miscellaneous goods (such as packaged food, apparel, footwear, electronic goods, construction materials and machineries) involves two single-storey structures with height of about 7m and a total floor area of about 446m<sup>2</sup> for warehouse, ancillary office, washroom, and covered parking and loading and unloading (L/UL) spaces (**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 8.2mPD) for site formation and vehicular circulation (**Drawing A-2**). Peripheral fencing of 2.5m in height is erected along the site boundary on all sides. No open storage, storage of

dangerous goods, dismantling, maintenance, recycling, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. One parking space for private car and one L/UL space for light goods vehicle will be provided at the Site. The operation hours will be between 8:00 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 the subject of a previous application No. A/YL-KTN/995 for the same use submitted by the same applicant as the current application (details at paragraph 5 below), 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 previous application, the current application remains unchanged in terms of site area/boundary, layout and development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 18.12.2025 (**Appendix I**) and 30.12.2025
  - (b) Further Information (FI) received on 26.3.2026<sup>#</sup> (**Appendix Ia**)  
*# accepted but not exempted from publication and recounting requirements*
- 1.5 On 6.2.2026, 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 FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) 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. There are similar applications approved within the same “AGR” zone in the vicinity;
- (b) the permission under the previous application No. A/YL-KTN/995 was revoked due to non-compliance with approval conditions related to submission and/or implementation of drainage and fire service installations (FSIs) proposals. In support of the current application, the applicant has submitted the relevant drainage and FSIs proposals;
- (c) the filling of land under application is to meet the operational needs. Sufficient space will be provided for vehicle to manoeuvre smoothly within the Site. Adverse impacts on the surrounding areas are not anticipated; and
- (d) regarding the Lands Department (LandsD)’s concerns on lease breaches and unlawful occupation of GL, the applicant will take appropriate follow-up and

rectification actions including submission of Short Term Tenancy (STT) and Short Term Waiver (STW) 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. For the GL portion of the Site, the ‘Owner’s Consent/Notification’ Requirements are not applicable.

### **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**

The Site is the subject of a previous application No. A/YL-KTN/995 for the same use submitted by the same applicant, which was approved with conditions by the Committee in 2024 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 comment 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 FSIs proposals. Compared with the previous application, the proposal under the current application remains unchanged as mentioned in paragraph 1.3 above. 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 49 similar applications for temporary warehouse with filling of land /pond (including four also involving open storage with/without container storage use) within the same “AGR” zone in Fung Kat Heung and Shui Mei areas in the past five years. These applications, mainly clustered to the north nearer the “Industrial (Group D)” zone; abutting existing main access roads farther away from inland areas of the “AGR” zone; or without direct and extensive interface with farmland clusters or undisturbed vegetated land (**Plan A-1**), were all approved with conditions by the Committee between 2022 and 2026 mainly on the similar considerations as mentioned in paragraph 5 above. 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/1226 and 1227 for temporary warehouse within the same “AGR” zone located to further southeast of the Site 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, hard-paved, erected with some temporary structures and vacant; and
- (b) accessible from Shui Mei Road via a local access road abutting the Site.

7.2 The surrounding areas are rural in character with an intermix of warehouse to the southwest and open storage/storage yards to the northeast along the local access road; and plant nursery, grassland, temporary structures and vacant land to the north and northwest. To the south and southeast across the local access road are vegetated land covered by trees and shrubs, temporary structures and a pond. To the further northwest are farmland clusters in the inland “AGR” area (**Plans 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 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 object to or do not support the application:

### **Land Administration**

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

- (a) has objection to the application;

- (b) the Site comprises GL and an Old Schedule Agricultural Lot 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) and/or use(s) on the private lot 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;
- (d) the GL within the Site (about 118m<sup>2</sup> as mentioned in the applicant's submission) has been unlawfully occupied with unauthorized structure(s) on or after 28.3.2017 without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD objects to the application since there is unlawful occupation of GL and regularisation would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the unlawful occupation of GL as demanded by LandsD. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice;
- (e) the lot owner(s)/applicant shall cease the unlawful occupation of the GL and subject to the approval of the Board to the application which shall have reflected the rectification as aforesaid required, apply to his office for a STW and/or STT to permit the structure(s) erected and the occupation of the GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and/or STT, if approved, will be subject to such terms and conditions including the payment of waiver fee, rent and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL; and
- (f) unless and until the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, his office's objection to the application must be brought to the attention of the Board.

### **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.; and
- (c) no comment on the application from nature conservation perspective.

## **10. Public Comments Received During Statutory Publication Periods**

On 2.1.2026 and 10.4.2026, the application was published for public inspection. During the statutory public inspection periods, two public comments were received from the same individual raising concerns mainly on the need for compliance with the approval conditions; and suspected unauthorized development (UD) and illegal occupation of GL within the Site (**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 mainly with an intermix of warehouse/open storage/storage yards, plant nursery, grassland, temporary structures and vacant land. The farmland clusters in the inland “AGR” area are located to the further northwest (**Plans A-2 and A-3**). 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 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 (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. Regarding DLO/YL, LandsD's concerns on the unauthorized structure(s) and/or use(s) on the concerned lot within the Site and the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 The Site is the subject of an approved previous application No. A/YL-KTN/995 for the same use submitted by the same applicant as detailed in paragraph 5 above. Whilst the planning permission under the previous application was revoked in 2025 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals, in support of the current application, the applicant has submitted drainage and FSIs proposals, 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.
- 11.6 There are 49 approved similar applications for temporary warehouse 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.
- 11.7 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 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 22.5.2029. 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 22.11.2026;

- (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 22.2.2027;
- (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 22.2.2027;
- (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**

<b>Appendix I</b>	Application Form with attachments received on 18.12.2025 and 30.12.2025
<b>Appendix Ia</b>	FI received on 26.3.2026
<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 comments
<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 photos

**PLANNING DEPARTMENT  
MAY 2026**