

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1224

- Applicant** : Mr. TANG Ka Wai represented by Mr. TANG Lok San
- Site** : Lots 1290 RP (Part) and 1291 (Part) in D.D. 107, Kam Tin North, Yuen Long
- Site Area** : About 3,796m²
- 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** : Temporary Open Storage of Construction Materials, Machineries and Vehicles and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials, machineries and vehicles 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, largely fenced-off, erected with some temporary structures and used for the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Shui Mei Road via local tracks and its adjoining site to the south which is subject to an approved application No. A/YL-KTN/1119 for temporary open storage use (**Plans A-1 to A-3**). According to the applicant, the applied use involves a total area of about 2,341m² (about 61.7% of the Site) for open storage of construction materials (such as pipes and electrical boxes), machineries (such as excavators and lifting platforms) and vehicles (not more than 15 private cars) with a maximum stacking height of 3m. No structure will be erected and one loading/unloading (L/UL) space for medium goods vehicle (MGV) is provided at the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.9m in depth (to a level of not more than 11.9mPD) for provision of storage and L/UL areas and vehicular

circulation (**Drawing A-2**). Peripheral fencing of 3m in height will be erected along the site boundary on all sides. No storage of dangerous and dusty goods, recycling, cleansing, repairing, dismantling or other workshop activities will be involved at the Site at all times. The operation hours are 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 a previous application No. A/YL-KTN/994 (details at paragraph 6 below) submitted by a different applicant for the same use at the same site 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 2026 due to non-compliance with approval condition. Compared with the previous application, the current application involves an increase in open storage area (+125m²/+5.6%).

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

- (a) Application Form with attachments received on 30.3.2026 (**Appendix I**) and 1.4.2026
- (b) Further Information (FI) received on 12.5.2026* (**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 applied use can support the growing demand for open storage yards in recent years. The temporary nature of the application would not jeopardise the long-term planning intention of the “AGR” zone;
- (b) the Site falls within Category 2 areas under the Town Planning Board Guidelines for application for open storage and port back-up uses. The Site is the subject of a previous application for the same use and the applied use is not incompatible with the surrounding areas;
- (c) sufficient space will be provided for vehicles to manoeuvre smoothly within the Site. The applied use will involve infrequent trips of only two anticipated vehicle trips per day during peak hours for L/UL by MGVs. Adverse traffic and environmental impacts on the surrounding areas are not anticipated. In support of the current application, the applicant has submitted a drainage proposal;
- (d) the applicant indicates that he will rectify the structures and uses at the Site and conform to the scheme under the application; and
- (e) the Site is accessible via its adjoining site, which is subject to the approved application No. A/YL-KTN/1119 for proposed temporary open storage use submitted by a different applicant. Relevant consents have been obtained from the concerned applicant and land owner(s) for the access arrangement.

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. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under TPB PG-No. 13G, and the relevant extracts of which are at **Appendix II**.

5. 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.

6. Previous Application

The Site is the subject of a previous application No. A/YL-KTN/994 submitted by a different applicant for the same use at the same site 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; the relevant government departments consulted generally had no adverse comments or their concerns and public comments could be addressed by approval conditions; and the application was generally in line with TPB PG-No. 13G. The planning permission was subsequently revoked in 2026 due to non-compliance with approval condition related to implementation of drainage proposal. Compared with this previous application, the current application involves an increase in open storage area as mentioned in paragraph 1.3 above. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

There are 15 similar applications for temporary open storage with filling of land (including four also involving warehouse 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 2023 and 2026 mainly on the similar considerations as mentioned in paragraph 6 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

8.1 The Site is:

- (a) currently hard-paved, largely fenced-off, erected with some temporary structures and used for the applied use without valid planning permission; and
- (b) accessible from Shui Mei Road via local tracks and its adjoining site to the south which is subject to an approved application No. A/YL-KTN/1119 for temporary open storage use.

8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses (including seven sites with valid planning permissions), animal boarding establishment, scattered residential structures, grassland and vacant land within the same “AGR” zone and the adjacent “Industrial (Group D)” (“I(D)”) zone to the north. To the south of the Site is a stream course and across of which is a woodland cluster within a “Conservation Area” zone (**Plans A-2 and A-3**).

9. Planning Intention

- 9.1 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.
- 9.2 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.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments as set out in paragraph 10.2 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 IV and V** respectively.

10.2 The following government departments do not support the application:

Environment

10.2.1 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 applied use would not involve dusty operation but it would cause traffic of heavy vehicles

(i.e. MGVs). According to his review, there are residential structures within 100m from the boundary of 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 applied use would cause environmental nuisance to the residential structures nearby;

- (c) no comment on the applied filling of land;
- (d) there was no substantiated environmental complaint received against the Site in the past three years; and
- (e) advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

10.2.2 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. Agricultural infrastructures such as road access and water source are available in the area. 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.

11. Public Comment Received During Statutory Publication Period

On 10.4.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns on the potential drainage impact on the surrounding areas; and non-compliance with approval condition under the previous application (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction materials, machineries and vehicles and associated filling of land for a period of three years at the Site zoned "AGR" (**Plan A-1**). Whilst the applied 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 applied use with associated filling of land on a temporary basis of three years.

12.2 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, who also considers the submitted drainage proposal acceptable, has

no objection to the application from drainage perspective, and DEP has no comment on the applied filling of land from environmental perspective. 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.

- 12.3 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouses, animal boarding establishment, scattered residential structures, grassland and vacant land within the same “AGR” and the adjacent “I(D)” zones. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) notes that there are no distinctive landscape resources or mature trees within the Site and has no adverse comment on the application from landscape planning perspective.
- 12.4 DEP does not support the application as the applied use involves use of heavy vehicles and there are sensitive receivers in the vicinity of the Site. In this regard, according to the applicant, peripheral fencing of 3m in height will be erected along the site boundary and the applied use will involve infrequent trips of not more than two anticipated trips per day during peak hours for L/UL by MGVs. According to DEP, there was no substantiated environmental complaint received against the Site in the past three years. To address DEP’s concerns, it is recommended to advise the applicant to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the applied use. The operation of the applied use is also subject to the relevant pollution control ordinances.
- 12.5 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that, except DEP and DAFC, all 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. Concerns from DEP can be addressed as mentioned in paragraph 12.4 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 The Site is the subject of an approved previous application for temporary open storage and there are 15 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 6 and 7 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comment as mentioned in paragraph 11, the departmental comments and planning assessments above are relevant.

13. Planning Department's View

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 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 implementation of the accepted 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;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the compliance with fire safety requirements 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;
- (d) if the above planning condition (b) 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;
- (e) if any of the above planning condition (a) or (c) 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
- (f) 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with attachments received on 30.3.2026 and 1.4.2026
Appendix Ia	FI received on 12.5.2026
Appendix II	Relevant extracts of TPB PG-No. 13G
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment
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
MAY 2026**