

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

**APPLICATION NO. A/YL-KTN/1218**

- Applicant** : Maxtop Sky Limited
- Site** : Lots 907 (Part), 911, 912 (Part), 913 RP (Part), 960 RP (Part), 961 RP (Part), 962 RP (Part), 963 RP (Part) and 967 RP (Part) in D.D. 107, Kam Tin North, Yuen Long
- Site Area** : About 2,956m<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) 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 hard-paved and covered by vegetation, and partly used for parking of vehicles without valid planning permission (**Plans A-2** and **A-4**).
- 1.2 The Site is directly accessible from Mei Fung Road (**Plans A-1** to **A-3**). According to the applicant, the proposed use for storage of miscellaneous goods (such as furniture, packaged food, apparel, footwear and electrical goods) involves five single-storey structures with height of not more than 9m and a total floor area of about 772m<sup>2</sup> for four warehouses and an ancillary guard room (**Drawing A-1**). The applicant also applies for filling of land, including regularisation of filling of land for about 1,163m<sup>2</sup> (39.3% of the Site) and proposed filling of land for about 1,793m<sup>2</sup> (60.7% of the Site), with soil and concrete of not more than 0.2m in depth (to a level of not more than 8.1mPD) for

site formation and vehicular circulation (**Drawing A-2**). An existing footpath bisecting the Site will not be retained, but a 24-hour through-access serving the surrounding residents will be provided along the southwestern boundary by setback of not less than 1.2m within the Site (**Drawing A-1**). Peripheral fencing of 2.5m in height will be erected along the site boundary, except the part along the 24-hour through-access. 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. Three parking spaces for private cars and four loading/unloading spaces for light goods vehicles 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.

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

- (a) Application Form with attachments received on 5.3.2026 (**Appendix I**)
- (b) Further Information (FI) received on 20.4.2026\* (**Appendix Ia**)

*\* accepted and exempted from publication and recounting requirements*

1.4 On 17.4.2026, the Rural and New Town Planning Committee (the Committee) of the Board 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 proposed use can support the growing demand for warehouses in the New Territories. The temporary nature of the application 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 within the same “AGR” zone in the vicinity;
- (b) sufficient manoeuvring space for vehicles will be provided within the Site and the proposed use will generate infrequent trips. Adverse traffic impacts are not anticipated. In support of the current application, the applicant has submitted a drainage proposal;
- (c) the applicant will liaise with China Light & Power Hong Kong Limited and the relevant government department(s) for the proposed realignment of the overhead electricity lines; and
- (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 (STW) 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 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 the Town Planning Ordinance would be undertaken.

**5. Previous Application**

The southern portion of the Site is involved in a previous application No. A/YL-KTN/807 for temporary animal boarding establishment which was approved with conditions by the Committee in 2022, 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 51 similar applications for temporary warehouse with associated filling of land/pond (including four also involving open storage with/without container storage) 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 A similar application No. A/YL-KTN/1231 for temporary warehouse and open storage 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 largely fenced-off, partly hard-paved and covered by vegetation, and partly used for parking of vehicles without valid planning permission; and
- (b) directly accessible from Mei Fung Road.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, an eating place, scattered residential structures, farmland, grassland 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 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) Lot No. 963 RP in D.D. 107 (**Plan A-2**) is covered by STW No. 5605 for the purpose of “Temporary Animal Boarding Establishment and Ancillary Use as may be approved by DLO”;
- (d) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or use(s) on Lots No. 913 RP, 960 RP and 961 RP all in D.D. 107 (**Plan A-2**) 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**

#### 9.2.2 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 Period**

On 13.3.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm and Botanic Garden Corporation and an individual, both objecting to the application mainly on the grounds that suspected unauthorized development (UD) is involved at the Site; the proposed use is not in line with the planning intention of the “AGR” zone; there would be potential impact on the proposed Agricultural Priority Areas; and there is no demand for more warehouses (**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 open storage/storage yards, an eating place, scattered residential structures, farmland, 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 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 concern on the unauthorized structure(s) and/or use(s) on the concerned lots of the Site, the applicant will be advised to liaise with LandsD on these land administration matters.
- 11.5 There are 51 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 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 above, the government departments’ comments and planning assessments above are relevant. Besides, any UD at the Site would be subject to planning enforcement action.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments 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 5.6.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised drainage proposal before the commencement of any operation and land filling works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of the revised drainage proposal before the commencement of any operation and land filling works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (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 5.12.2026;
- (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 5.3.2027;
- (f) if any of the above planning condition (a) or (b) is not complied with before the commencement of any operation and land filling works, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) 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;
- (h) if any of the above planning condition (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
- (i) 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 5.3.2026
<b>Appendix Ia</b>	FI received on 20.4.2026
<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  
JUNE 2026**