

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1231

- Applicant** : Mr. LAM Tung Man represented by R-riches Planning Limited
- Site** : Lots 1139 (Part), 1140 (Part), 1141 (Part), 1142 (Part), 1143, 1144 (Part), 1145 (Part), 1147 (Part), 1148 (Part), 1149 (Part), 1152 (Part), 1153 S.A, 1153 RP, 1154 (Part) and 1156 (Part) in D.D. 107, Fung Kat Heung, Kam Tin North, Yuen Long
- Site Area** : About 3,158m²
- 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 Warehouse (Excluding Dangerous Goods Godown) and Open Storage of Construction Materials 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 temporary warehouse (excluding dangerous goods godown) and open storage of construction materials 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 used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Mei Fung Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied use involves three single-storey structures with height of not more than 6m and a total floor area of about 656m² for warehouses storing miscellaneous goods (such as packaged food, apparel, footwear, electronic goods and furniture), ancillary site office and washroom; and an open area of about 991m² (about 31.4% of the Site) for open storage of construction materials (such as rebar, bricks and tiles) with a maximum stacking height of not more than 3m (**Drawing A-1**). The applicant also applies for

regularisation of filling of land for the entire Site with concrete of not more than 0.1m in depth (to a level of not more than 17.8mPD) for site formation and vehicular circulation (**Drawing A-2**). Two parking spaces for private car, one loading/unloading (L/UL) space for light goods vehicle and one L/UL space for medium goods vehicle (MGV) are provided at the Site. Peripheral fencing of 2.5m in height is erected along the site boundary on all sides. No storage of dangerous goods, dismantling, maintenance, recycling, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. The operation hours are between 7:00 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/1040 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 2026 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 17.4.2026 (**Appendix I**) and 22.4.2026
- (b) Further Information (FI) received on 27.5.2026* (**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 increasing demand for storage space in recent years. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding areas. There are similar applications approved within the same “AGR” zone in the vicinity;
- (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 permission under the previous application No. A/YL-KTN/1040 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 necessary to meet the operational needs. The applied use will involve infrequent trips of only 14 anticipated vehicle trips per day for L/UL by MGVs. Sufficient space is 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, the applicant will take appropriate follow-up and rectification actions including submission of Short Term Waiver (STW) application 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. 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/1040 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 applied use on a temporary basis could be tolerated; the applied 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 2026 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 III** and its location is shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are 64 similar applications for temporary warehouse and/or open storage (including one also involving container storage use) with filling of land/pond within the same “AGR” zone in the vicinity of the Site in Fung Kat Heung and Shui Mei areas 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 6 above. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 A similar application No. A/YL-KTN/1218 for temporary warehouse within the same “AGR” zone in the vicinity will be considered at the same meeting (**Plan A-1**).

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

- 8.1 The Site is:
- (a) currently fenced-off, hard-paved, erected with some temporary structures and used for the applied use without valid planning permission; and
 - (b) accessible from Mei Fung Road via local tracks.
- 8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouse (including two sites with valid planning permissions), animal boarding establishment, scattered residential structures, woodland and vacant land within the same “AGR” zone and the adjacent “Industrial (Group D)” zone to the northeast (**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 have adverse comments or do not support the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Yuen Long (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) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or use(s) on Lot No. 1153 RP 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
- (d) advisory comments are at **Appendix V**.

Environment

10.2.2 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 vehicle (i.e. MGV). 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 environmental complaint received against the Site in the past three years; and
- (e) advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

10.2.3 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.

11. Public Comment Received During Statutory Publication Period

On 24.4.2026, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary warehouse (excluding dangerous goods godown) and open storage of construction materials with ancillary facilities 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 The applicant also applies for regularisation of filling of land for the entire Site for site formation and vehicular circulation. 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 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 mainly with an intermix of open storage/storage yards/warehouse, animal boarding establishment, scattered residential structures, woodland 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 applied

use is not incompatible with landscape setting in the proximity and significant adverse landscape impact arising from the applied use is not anticipated.

- 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 2.5m in height will be erected along the site boundary and the applied use will involve infrequent trips of not more than 14 anticipated trips per day for L/UL by MGVs. Besides, according to DEP, there was not 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. Regarding DLO/YL, LandsD's concerns on the unauthorized structure(s) and/or use(s) on the concerned lot within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 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 DLO/YL, LandsD, 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 DLO/YL, LandsD and 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 No. A/YL-KTN/1040 for the same use submitted by the same applicant as detailed in paragraph 6 above. Whilst the planning permission under the previous application was revoked in 2026 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. 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.
- 12.7 There are also 64 approved similar applications for temporary warehouse and/or open storage in the vicinity of the Site in the past five years as mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 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 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 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 5.12.2026;
- (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 5.3.2027;
- (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 revised 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 revised 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 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 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 17.4.2026 and 22.4.2026
Appendix Ia	FI received on 27.5.2026
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
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
JUNE 2026**