

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1125

<u>Applicant</u>	:	New Success International Investment Limited represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	:	Lots 1012 S.B, 1012 S.C, 1013, 1014 RP, 1015 S.A, 1015 S.B, 1015 RP, 1016 (Part), 1018, 1034 (Part) and 1035 in D.D.113, Kam Tin South, Yuen Long
<u>Site Area</u>	:	6,197m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Office 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 office 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-1a**). 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, partially covered by overgrown vegetation and an artificial pond, partially hard paved, and with minor portion occupied by some temporary and container structures, construction materials, machineries and waste without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kam Ho Road (**Plans A-2 and A-3**). According to the applicant, the proposed use for storage of construction materials (e.g. bamboo, scaffoldings, bricks, metals, sand etc.) involves seven single-storey structures with

height of not more than 11m and a total floor area of about 1,575m² for warehouse and ancillary site office. 10 parking spaces (including three for private cars and seven for light goods vehicles) and sufficient manoeuvring space will be provided within the Site to ensure that no vehicles will turn back outside the Site. The applicant also applies for filling of land for the entire site with concrete of not more than 0.2m in depth up to a level of 19.4mPD for site formation and vehicular circulation. To minimise the disturbance or nuisance to the surrounding areas, including the village settlements of Ho Pui to the northwest of the Site, a buffer area of 30m, where no activities will be carried out thereat, between the proposed warehouse structures and the nearby village houses is proposed (**Drawing A-1**) and solid metal fencing of 3m in height is erected along the site boundary. All items will be stored within the enclosed warehouse structures, and no dangerous goods will be stored at the Site at all times. No open storage, workshop activities and public announcement systems, whistle blowing or portable loudspeaker will be allowed within the Site at all times. 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. No vehicles are allowed to travel to/from the Site beyond the operation hours. The site layout plan and the land filling plan submitted by the applicant are at **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 and Supplementary (**Appendix I**) Information (SI) received on 8.4.2026 and 13.4.2026 respectively
- (b) Further Information (FI) received on 20.4.2026* (**Appendix Ia**)
- (c) FI received on 19.5.2026* (**Appendix Ib**)

* *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 FIs at **Appendices I** to **Ib**, and can be summarised below:

- (a) The proposed use could serve to meet the strong demand for warehouse use in Yuen Long area. The proposed use is temporary in nature and approval of the current application will not frustrate the long-term planning intention of the “AGR” zone.
- (b) There are similar applications for warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board in the “AGR” zones on the OZP, and the planning circumstances of the current application are relevant.
- (c) The proposed use will not cause adverse visual, landscape, drainage, fire safety, traffic, archaeological and environmental impacts on the surrounding areas and adequate measures will be provided to mitigate any impacts arising from the proposed use. The applicant will also strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department and comply with all environmental protection/pollution control ordinances. No ground excavation and foundation works will be carried out thus adverse impact to the Ho Pui Site of Archeological Interest is

not anticipated. In support of the application, the applicant has submitted a drainage proposal.

- (d) Upon approval of the application, the applicant will submit to the Lands Department (LandsD) the necessary application for Short Term Waiver as appropriate for implementing the proposed use.

3. **Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is not the “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing notices in local newspapers and sending notice to the Pat Heung 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.

5. **Previous Applications**

The Site is involved in six previous applications (No. A/YL-KTS/385, 424, 425, 522, 928 and 1011). Four of the applications (No. A/YL-KTS/385, 424, 425 and 522) for various temporary open storage uses were rejected by the Board upon review between 2007 and 2011. The remaining two applications (No. A/YL-KTS/928 and 1011) for temporary place of recreation, sports or culture (hobby farm, fishing ground and barbecue site) and education centre with ancillary canteen/eating place with associated filling of land were approved with conditions by the Committee each for a period of three years in 2022 and 2025 respectively. The planning permissions for applications No. A/YL-KTS/928 and 1011 were subsequently revoked in March 2024 and May 2026 respectively due to non-compliance with time-limited approval conditions. Considerations of these previous applications are irrelevant to the current application due to different use involved. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

6. **Similar Applications**

There are seven similar applications (No. A/YL-KTS/959, 997, 1020, 1048, 1049, 1066 and 1071) for temporary warehouse with ancillary facilities/office and filling of land within the same and another “AGR” zones in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2023 and 2026 each for a period of three years mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed/applied use was not incompatible with the surrounding uses; the government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions; and policy support from the Secretary for Development was given to facilitate

relocation of business operation displaced by government project (for application No. A/YL-KTS/959 only). Details of the similar applications are summarised in **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Kam Ho Road;
- (b) currently fenced-off, partially covered by overgrown vegetation and an artificial pond, partially hard paved, and with minor portion occupied by some temporary and container structures, construction materials, machineries and waste without valid planning permission; and
- (c) located within the Ho Pui Site of Archaeological Interest (**Plan A-1a**).

7.2 The surrounding areas are rural in character comprising mainly brownfield operations (i.e. parking of vehicles, warehouse (with valid planning permission) and open storage yards), village settlements of Ho Pui, scattered residential structures, cultivated agricultural land, vacant land, graves, grassland and woodland. A nullah runs along the east of the Site.

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 Bureau/Departments**

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other bureau and 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 departments do not support or have adverse comment on the application:

Land Administration

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

LandsD):

- (a) has adverse comment 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) the following irregularities have been detected:

Unauthorised structure(s) within the private lot(s) covered by the application

LandsD has reservation on the application since there is/are unauthorized structure(s) on Lots No. 1013, 1015 S.A, 1015 S.B, 1015 RP, 1016, 1034 and 1035 in D.D. 113 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD; and

- (d) 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 and is generally vacant or abandoned. 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.;
- (c) no comment from nature conservation perspective; and
- (d) based on recent aerial photos, the existing pond within the Site does not appear to be in use or to have potential for aquaculture purposes. As such, he has no comments on the application from fisheries perspective.

10. Public Comments Received During Statutory Publication Period

On 17.4.2026, the application was published for public inspection. During the statutory public inspection period, 77 public comments were received, including 75 from villagers of Tai Kek and two from individuals, all objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; the proposed use is incompatible with the surrounding area; adverse local traffic and pedestrian safety issues with the use of heavy goods vehicles; suspected long-term use of the Site for

warehouse use through subsequent renewal application(s); approval of the current application would set an undesirable precedent for similar applications; and the Site does not fall within Category 2 areas under the Town Planning Guidelines 13G (TPB PG-No. 13G) (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1a**). 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 The applicant applies for filling of land for the entire site with concrete of not more than 0.2m in depth for site formation and vehicular circulation. Filling of land within 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 considers the submitted drainage proposal is acceptable, and Director of Environmental Protection have no objection to or no comment on the application from public 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. The applicant also undertakes to reinstate the Site upon expiry of the planning approval.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly brownfield operations, village settlements of Ho Pui, scattered residential structures, cultivated agricultural land, vacant land, graves, grassland, woodland and a nullah. Besides, to minimise potential nuisance to the surrounding areas, the applicant has proposed a buffer area of 30m, where no activities will be carried out thereat, between the proposed warehouse structures and the nearby village settlements (**Drawing A-1 and Plan A-2**) and solid metal fencing of 3m in height is erected along the site boundary. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment from landscape planning perspective and considers that the proposed use is not entirely incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from proposed use is not anticipated.
- 11.4 Other relevant government bureau and departments consulted, including the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office, Development Bureau, 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 ‘CoP’ to minimise any potential environmental nuisance caused by the proposed use. Regarding DLO/YL,

LandsD's concerns on the unauthorized structures on the concerned lots of the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. The applicant also commits to follow up with the necessary application for STW to LandsD upon approval of the application.

- 11.5 There are seven approved similar applications within the same and another "AGR" zones 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 planning assessments and departmental comments above are relevant. Regarding the concerns on road safety issues arising from the proposed use, only light goods vehicles are proposed under the application (**Appendix Ib**) and no vehicles are allowed to travel to/from the Site beyond operation hours. Moreover, TPB PG-No. 13G for open storage and port back-up uses is irrelevant to the current application which is for warehouse use. Any unauthorized development on the Site would also 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 5.6.2029. The following approval conditions 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 5.3.2027;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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;
- (d) in relation to (c) 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;
- (e) 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;

- (f) if any of the above planning condition (a), (c) 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 attached 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

Appendix I	Application Form with attachments and SI received on 8.4.2026 and 13.4.2026 respectively
Appendix Ia	FI received on 20.4.2026
Appendix Ib	FI received on 19.5.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan

Drawing A-2

Land Filling Plan

Plan A-1a

Location Plan

Plan A-1b

Previous Applications Plan

Plan A-2

Site Plan

Plan A-3

Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
JUNE 2026**