

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/570

<u>Applicants</u>	: Mr. Wong Chun Hung and Ms. To Nu represented by Mr. Pang Hing Yeun
<u>Site</u>	: Various Lots in D.D.100 and Adjoining Government Land (GL), Kwu Tung South
<u>Site Area</u>	: About 1,086.09m ² (including GL of about 582.28m ² (about 53.6%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/22
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Temporary Warehouse (Electronic Parts and Construction Materials) with Ancillary Office for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary warehouse (electronic parts and construction materials) with ancillary office for a period of three years at the application site (the Site), which falls within an area zoned “REC” 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). 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-3 and A-4**).
- 1.2 The Site is accessible from Fan Kam Road via a local track with three ingress/egress points including one located at the southwestern corner and the other two located along the southern boundary of the Site (**Plans A-2 and A-3**). According to the applicants, the applied use, with a total floor area of about 1,134.18m², involves seven structures, including one single-storey structure (not more than 7.5m in height) for storage of electronic parts, one two-storey structure (about 6m in height) for storage of construction materials with ancillary site office, and five single-storey structures for (i) meter room, utility room and toilet (about 4m in height), (ii) site office (about 4m in height), (iii) a shelter (about 6m in height) covering the site office, (iv) fire service water tank (about 3.35m in height) and (v) fire service pump room (about 2.75m in

height). Two loading/unloading spaces for light goods vehicles will be provided at the Site. There are currently 23 existing trees at the Site and no felling of tree is or will be involved for the applied use. 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. The layout plan submitted by the applicants is at **Drawing A-1**.

1.3 The Site, in part or in whole, is involved in seven previous applications (details at paragraph 5 below). The last previous application (No. A/NE-KTS/514) was submitted by the same applicants as the current application 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 on 3.2.2023 for a period of three years, and the planning permission subsequently lapsed on 3.2.2026. Compared with the last previous application, the current application is largely the same except with a slight reduction in floor area from about 1,167.58m² to 1,134.18m² (-33.4m²/2.86%) to reflect the as-built condition of the structures.

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachments received on 9.2.2026 **(Appendix I)**
- (b) Further Information (FI) received on 27.5.2026[#] **(Appendix Ia)**
[#]accepted and exempted from publication and recounting requirements

1.5 On 27.3.2026, the Committee agreed to defer making a decision on the application for two months as requested by the applicants.

2. Justifications from the Applicants

The justifications put forth by the applicants 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 application is for renewal of the previously approval granted under application No. A/NE-KTS/514 which was expired in February 2026.
- (b) There are no changes in site area, structures and the applied use. The minor change in floor area was to reflect the as-built condition of the structures. The applicants have complied with all approval conditions of the previous planning application and the applicant has also carried out regular inspection on the concerned facilities provision.

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance as set out in Town Planning Board Guidelines PG-No. 31B for owner’s

consent/notification are not applicable.

4. **Background**

The Site is not subject to any planning enforcement action.

5. **Previous Applications**

The Site, in part or in whole, is the subject of seven previous applications (No. A/NE-KTS/184, 251, 288, 340, 415, 472 and 514) for various temporary open storage/storage/warehouse uses. All these applications were approved with conditions by the Committee between 2004 and 2023, mainly on the considerations that approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “REC” zone; the applied use was considered not incompatible with the surrounding areas; the applied use would unlikely cause significant adverse traffic, drainage and landscape impacts on the surrounding areas; there were similar applications in the vicinity of the Site; and the relevant government departments consulted generally had no adverse comments or their concerns could be addressed by approval conditions. Planning permission under application No. A/NE-KTS/340 was revoked due to non-compliance with approval condition for implementation of fire service installations. Comparing with the last previous application (No. A/NE-KTS/514), the current application is submitted by the same applicants as the current application for the same temporary use at the same site with slight changes in total floor area as mentioned in paragraph 1.3 above. All approval conditions for the last application for the same use have been complied with. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Applications**

There are three similar applications (No. A/NE-KTS/520, 527 and 561), covering two sites, for temporary warehouse/godown uses within the same “REC” zone in the vicinity of the Site in the past five years. The three applications were approved with conditions by the Committee between 2023 and 2025 mainly on the similar considerations as set out in paragraph 5 above. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Fan Kam Road via a local track;
- (b) currently fenced-off, hard-paved, erected with some temporary structures and used for the applied use without valid planning permission; and

(c) slightly encroaching upon the village ‘environs’ of Ying Pun.

7.2 The surrounding areas are rural in character comprising mainly warehouses, storage yards, workshops and scattered residential dwelling to the north, east and south of the Site. To the further west across Fan Kam Road are largely vacant land with some temporary structures for storage use within the “Agriculture” (“AGR”) zone. Village settlements of Ying Pun are located to the further south within the “Village Type Development” (“V”) zone.

8. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

9.1 Apart from the government department 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 in **Appendices IV** and **V** respectively.

9.2 The following government department does not support the application:

Land Administration

9.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) has objection to 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. The proposed ingress/egress of the Site is required to pass through GL but no right of access via GL is granted to the Site;
- (c) the Site is already being used for the applied use;
- (d) the portions of GL and Lot. No. 1670 S.A ss.1 RP within the Site are covered by Modification of Tenancy (MOT) or GL Licences (GLLs) which were issued for the erection of temporary structures as follows:

GL/Lot No.	MOT/GLL No.	Purpose
GL	GLL T14306	Dwelling, storage & shade
GL	GLL T12071	Chicken shed, pigsty & shade
Lot 1670 S.A ss. 1 RP and GL	MOT 37723	Dwelling

given the use and dimensions of the existing structures on the Site do not tally with the approved records under the aforesaid MoT and GLLs, his office reserves the rights to take enforcement action and cancel the MoT and GLLs if situation warrants;

- (e) the following irregularities covered by the subject planning application have been detected:

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

there are unauthorised structures on the private lots at the Site. The lot owners should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary enforcement action against the breaches without further notice;

Unlawful occupation of GL adjoining private lot(s) with unauthorised structures covered by the planning application

part of the GL within the Site (about 582.28m² as mentioned in the applicants' submission) has been fenced off/illegally occupied with unauthorised structures without any permission. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (f) if the planning application is approved, the lot owners shall apply to his office for a Short Term Wavier (STW) (on whole lot basis) and a Short Term Tenancy (STT) to permit the structure(s) erected/to be erected within the said private lots and the occupation of GL. The applications 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 STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date the structures were erected and administrative fee as considered appropriate to be imposed by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structures will be considered. In addition, LandsD reserves the right to take enforcement action against the lot owners/applicants 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 and any unlawful occupation of GL; and

- (g) unless and until the unauthorised structure(s) and unlawful occupation of GL are duly rectified by the lot owners/applicants, his office's objection to the application must be brought to the attention of the Board.

10. Public Comment Received During Statutory Publication Period

On 24.2.2026, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (electronic parts and construction materials) with ancillary office for a period of three years at the Site zoned "REC" on the OZP (**Plan A-1**). While the applied use is not in line with the planning intention of "REC" zone, as advised by the Director of Leisure and Cultural Services, there is no known development project or facility for recreation uses planned at the Site, and no facilities, venues or roadside amenity area under his purview would be affected due to the application. There is also no other long-term development proposal involving the Site. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the "REC" zone. Taking into account the above and the planning assessments below, there is no objection to the applied use on a temporary basis for a period of three years.
- 11.2 The applied use is considered not incompatible with the surrounding areas which are rural in character comprising mainly warehouses, storage yards, workshops and scattered residential dwellings within the same "REC" zone, vacant land and storage uses to the further west across Fan Kam Road as well as village settlements of Ying Pun in the "V" zone to the further south (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the applied use is not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied use is not anticipated as no tree felling would be involved.
- 11.3 Regarding DLO/N, LandsD's concerns on the unauthorised structures erected within the Site and the unlawful occupation of GL, the applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant government departments consulted, including the Commissioner for Transport, Chief Highway Engineer/New Territories East, Highways Department, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicants to follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued to minimise any potential environmental nuisance caused by the applied use.

- 11.4 There are seven approved previous applications at the Site and three approved similar applications within the same “REC” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5 and 6 above respectively. Approving the current application is in line with the Committee’s previous decisions.

12. PlanD’s Views

- 12.1 Based on the assessments made in paragraph 11 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 24.7.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.10.2026;
- (b) 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 24.1.2027;
- (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 24.4.2027;
- (e) if the above planning condition (b) is not complied with during the planning approval period, the approved hereby given shall cease to have effect and shall be revoked without further notice; and
- (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.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

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

the applied use is not in line with the planning intention of the “Recreation” zone which

is primarily for recreational developments for the use of the general public and to encourage the development of active and/or passive recreation and tourism/eco-tourism. 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 the 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 applicants.

14. Attachments

Appendix I	Application Form with attachment received on 9.2.2026
Appendix Ia	FI received on 27.5.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2026**