

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1238

<u>Applicant</u>	: Lotti Construction Materials Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lots 1160 (Part), 1174 RP (Part), 1175 RP (Part) and 1176 RP (Part) in D.D. 109, Kam Tin North, Yuen Long
<u>Site Area</u>	: About 1,944m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Open Storage of Construction Machineries and 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 open storage of construction machineries and 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, largely cleared of vegetation, partly vacant and partly used for open storage of miscellaneous items, vehicle and construction machineries without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the application is to facilitate relocation of his open storage operation at a site of about 1,944m² in Fung Kat Heung, Yuen Long¹

¹ The affected site in Fung Kat Heung was covered by application No. A/YL-KTN/848 for temporary open storage of construction machinery, construction materials and ancillary parking of medium/heavy goods vehicles and container trailers/tractors for a period of three years in the “Other Specified Uses” annotated “Railway Reserve” zone, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 26.8.2022. The planning permission lapsed on 27.8.2025. The approved scheme comprised

which has been affected by the government project of Northern Link (NOL) Main Line. The concerned site has been resumed by the Government but still pending site clearance.

- 1.3 The Site is accessible from Chi Ho Road (**Plans A-1 to A-4**). According to the applicant, the applied use involves seven single-storey structures with height of not more than 7.5m and a total floor area of about 684.2m² for four open sheds for storage of construction machineries (such as forklifts and wrapping machines) and materials (such as mortar), site office, electricity meter room and toilet (**Drawing A-1**). The uncovered area of about 1,259.8m² (about 64.8% of the Site) is mainly proposed as parking and loading/unloading (L/UL) area as well as vehicular manoeuvring space (**Drawing A-1**). The applicant also applies for proposed filling of land for the entire Site with concrete of not more than 0.2m in depth (to a level of about 6.1mPD) for site formation and circulation (**Drawing A-2**). Peripheral fencing of 1.5m in height is erected along the site boundary all on sides. No repairing, recycling, cleansing, dismantling or other workshop activities will be involved at the Site at all times. Also, no dangerous or dusty goods will be stored on site. Two parking spaces for private car, three parking spaces for light goods vehicle (LGV) and one L/UL space for LGV will be provided at the Site. The operation hours are 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.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 28.5.2026 (**Appendix I**)
 - (b) Further Information (FI) received on 25.6.2026* (**Appendix Ia**)
 - (c) FI received on 6.7.2026* (**Appendix Ib**)
 - (d) FI received on 9.7.2026* (**Appendix Ic**)

** 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 Ic**, and can be summarised as follows:

- (a) the application is to facilitate the relocation of the applicant's existing open storage operation in Fung Kat Heung, Yuen Long, which is affected by the implementation of NOL Main Line. The open storage business at the affected site is currently still in operation pending clearance. The applicant has conducted a comprehensive site search exercise to identify alternative locations within the New Territories (including sites in Kau Lung Hang, Tai Po and Lau Fau Shan, Yuen Long). The Site is considered the most suitable one for relocation purpose in terms of land use compatibility, environmental impact and accessibility;

seven 1 to 2-storey structures with height of not more than 7.5m and a total floor area of about 824m² for storage of construction materials under open sheds, site office, electricity meter room and toilet uses.

- (b) the temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. The application is generally in line with 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); and
- (c) the Site is surrounded by vacant/vegetated areas, which would act as an environmental buffer between the applied use and potential sensitive receivers in the vicinity. No felling of trees on site will be involved. Also, the applied use will involve infrequent trip generation. Adverse environmental, drainage and traffic impacts on the surrounding areas are not anticipated.

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 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. **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 3 areas under TPB PG-No. 13G, and the relevant extracts of which are at **Appendix II**.

5. **Background**

The Site is subject to a planning enforcement action (No. E/YL-KTN/761) against unauthorized development (UD) involving storage use and use for place for parking of vehicles (**Plan A-2**). Enforcement Notice was issued on 5.5.2026. Recent site inspection revealed that the Site was largely vacant.

6. **Previous Application**

The Site is involved in a previous application No. A/YL-KTN/1201² for temporary warehouse, which was rejected by the Committee in February 2026. Considerations of this application are not relevant to the current application due to different use involved. Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

² Whilst application No. A/YL-KTN/1201 was submitted by a different applicant (i.e. Asia Jet Limited), according to the applicant under the current application, both companies are owned by the same individual, Mr. LAM Yiu Pong.

7. **Similar Application**

There is no similar application for temporary open storage use within the same “AGR” zone in the vicinity of the Site in the past five years.

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

8.1 The Site is:

- (a) accessible from Chi Ho Road;
- (b) currently fenced-off, largely cleared of vegetation, partly vacant and partly used for open storage of miscellaneous items, vehicle and construction machineries without valid planning permission; and
- (c) located in the southern fringe of the “AGR” zone and forming part of the extensive clusters of active farmland to the further northeast (**Plans A-1 to A-3**).

8.2 The surrounding areas are rural in character with an intermix of active farmland, grassland, woodland and scattered residential structures to the east, northeast and north of the Site, which form part of the active farmland clusters extending to the further northeast in the inland “AGR” area of Kong A Leng largely undisturbed by brownfield uses (**Plans A-2 and A-3**). To the northwest are grassland and a temple with columbarium, and to the further northwest is a vegetated knoll covered by woodland and designated as permitted burial ground in the “Green Belt” zone (**Plans A-1 to A-3**). To the east and west are storage yard and formed vacant land respectively, both subject to planning enforcement actions (No. E/YL-KTN/738 and 749) against UDIs involving parking of vehicles and/or storage uses (**Plan A-2**). To the south across Chi Ho Road and Kam Tin North River are woodland and grassland within the “Conservation Area (1)” zone and vacant land within the “Village Type Development” zone (**Plan A-2**).

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 Bureau/Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other bureau/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 department does not support the application:

Agriculture and Nature Conservation

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 Comments Received During Statutory Publication Period

On 5.6.2026, the application was published for public inspection. During the statutory public inspection period, five public comments were received, including one from Kadoorie Farm and Botanic Garden Corporation, one from a group of nearby villagers/residents and three from individuals objecting to the application mainly on the grounds that the applied use is not in line with the planning intention of the “AGR” zone; there may be adverse traffic, drainage, environmental and ecological impacts on the surrounding areas; approving the current application would encourage “destroy first, build later” practice; and the Site falls within Category 3 areas under TPB PG-No. 13G without prior approval (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction machineries and materials with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). The applied use is not in line with the planning intention of the “AGR” zone, and the applicant also proposes to fill the entire Site with concrete with the majority of the filled area (about 1,259.8m² / 64.8% of the Site) merely as an open area mainly for parking, L/UL and vehicular manoeuvring spaces for the open storage use (**Drawing A-1**). DAFC does not support the application from agricultural perspective as there are active agricultural activities and agricultural infrastructures in the vicinity of the Site and the Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. Taking into account the above and the assessments below, whilst the applicant claims that the application is to facilitate relocation of the brownfield operation affected by NOL Main Line, it is considered that no strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

- 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 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.
- 12.3 Although the Site is located in the southern fringe of the “AGR” zone in Kong A Leng and the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) notes that no tree felling will be involved and considers that significant adverse landscape impact arising from the applied use is not anticipated, the Site is surrounded by active farmland, grassland, woodland, and scattered residential structures to the east, northeast and north, which form part of the active farmland clusters extending to the further northeast in the inland area largely undisturbed by brownfield uses (**Plans A-2 and A-3**). The applied use with associated filling of land is considered not compatible with the active farmland clusters in the surrounding areas. Approving the current application might attract similar applications within the area, and the cumulative impacts of which would result in a general degradation of the rural environment and character of the area.
- 12.4 Other relevant government bureau/departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application.
- 12.5 The Site falls within Category 3 areas under TPB PG-No. 13G in which applications would normally not be favourably considered unless the applications are on sites with previous planning approvals. The applied use with associated filling of land does not comply with TPB PG-No. 13G in that no previous approval for open storage use has been granted at the Site and there are adverse departmental comment on and public objections to the application.
- 12.6 Regarding the public comments as mentioned in paragraph 11, the departmental comments and planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD does not support the application for the following reasons:
- (a) 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;
 - (b) the applied use with associated filling of land is not compatible with the surrounding land uses; and

- (c) the applied use with associated filling of land does not comply with 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) in that no previous planning approval has been granted to the site and there are adverse departmental comment and public objections.

13.2 Alternatively, 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 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 24.1.2027;
- (b) in relation to (a) above, the implementation of the 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 24.4.2027;
- (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 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;
- (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 24.4.2027;
- (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**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with attachments received on 28.5.2026
Appendix Ia	FI received on 25.6.2026
Appendix Ib	FI received on 6.7.2026
Appendix Ic	FI received on 9.7.2026
Appendix II	Relevant extracts of TPB PG-No. 13G
Appendix III	Previous application
Appendix IV	Government bureau/departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public Comments
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 photos

**PLANNING DEPARTMENT
JULY 2026**