

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1244

<u>Applicant</u>	: Mr. TANG Lok San represented by Mr. TANG Wing Yat Tommy
<u>Site</u>	: Lots 1354 (Part), 1356 (Part), 1373 (Part), 1374 (Part) and 1375 (Part) in D.D. 109, Kam Tin North, Yuen Long
<u>Site Area</u>	: About 4,735m 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>	: 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 fenced-off, largely hard-paved, erected with some temporary structures and partly used for open storage of construction materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kong Po Road via a local track (**Plans A-1 to A-4**). According to the applicant, the proposed use for storage of vehicles (including private cars and light goods vehicles (LGVs)), metal, pipes, machineries, vehicle parts and construction materials involves eight single-storey structures with height of not more than 8m and a total floor area of about 1,792m² for warehouse and ancillary office, and an ancillary open storage area of about 474m² (about 10% of the Site) with a maximum stacking height of 2.5m (**Drawing A-1**). Two parking spaces for private car and nine loading/unloading (L/UL) spaces for LGV will be provided at the Site. The applicant also applies for regularisation of filling

of land for about 4,577.1m² (about 96.7% of the Site) with concrete of not more than 0.4m in depth (to a level of not more than 7.3mPD) for site formation and vehicular circulation (**Drawing A-2**). An existing open drain along the eastern boundary of the Site will be retained. Peripheral fencing of 2.5m in height will be erected along the site boundary on all sides to minimise nuisance. No open storage outside the designated area, recycling, cleansing, repairing, dismantling or other workshop activities will be involved at 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. Plans showing the site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

- 1.3 Various parts of the Site are involved in three previous applications (details at paragraph 5 below), including the last application (No. A/YL-KTN/940) for the same use submitted by a different applicant from the current application which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023, and the planning permission was subsequently revoked in 2025 due to non-compliance with approval conditions. Compared with the last application (No. A/YL-KTN/940), the current application involves increases in site area (+2,297.2m²/+94.2%), number of structures (+4/+100%), total floor area (+952m²/+113.3%), building height (+2m/+33.3%) and number of L/UL spaces for LGV (+5/+125%).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 11.6.2026 (**Appendix I**) and 12.6.2026
 - (b) Further Information (FI) received on 21.7.2026* (**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 application can support the pressing demand for warehouse use in New Territories. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas. The Site is involved in previously approved applications for the same use;
- (b) sufficient space will be provided for vehicle to manoeuvre smoothly within the Site. Adverse impacts on the surrounding areas are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals; and
- (c) regarding the LandsD 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 Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to planning enforcement actions No. E/YL-KTN/736 against unauthorized development (UD) involving workshop use, use for place for parking of vehicles and storage use; No. E/YL-KTN/743 against UD involving use for place for parking of vehicles and storage use (including deposit containers); No. E/YL-KTN/744 and E/YL-KTN/745 against UD involving storage use (including deposit of containers). Enforcement Notices were issued respectively to the respect land owners requiring discontinuation of the UD.

5. **Previous Applications**

Various parts of the Site are involved in three previous applications (No. A/YL-KTN/925, 928 and 940) for the same use. All these applications were approved with conditions by the Committee in 2023 mainly on the consideration that the proposed use on a temporary basis could be tolerated; the proposed 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, if any, could be addressed by approval conditions. All the planning permissions were subsequently revoked in 2025 due to non-compliance with approval conditions. Amongst the three previous applications, application No. A/YL-KTN/925 was submitted by the same applicant as the current application and the planning permission was revoked due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals. Compared with the last application (A/YL-KTN/940), the current application involves changes in the scheme as mentioned in paragraph 1.3 above. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. **Similar Applications**

6.1 There are 19 similar applications for temporary warehouse with filling of land/pond within the same “AGR” zone in the vicinity of the Site in the past five years. Amongst them, applications No. A/YL-KTN/989 and 1201, being located in areas interfacing with active farmland clusters, were rejected by the Committee in 2024 and 2026 respectively mainly on the grounds that there was no strong

planning justification for a departure from the planning intention of the “AGR” zone; and the proposed use with filling of land was not compatible with the surrounding areas.

- 6.2 The remaining 17 similar applications were approved with conditions between 2023 and 2026 mainly on the similar considerations as mentioned in paragraph 5 above. Details of the similar applications are summarised at **Appendix II** 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 Kong Po Road via a local track; and
- (b) currently fenced-off, largely hard-paved, erected with some temporary structures and partly used for open storage of construction materials without valid planning permission.

- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, warehouses (including three sites with valid planning permissions), rural/vehicle repair workshops, parking of vehicles, residential structures, grassland and vacant land. To the south across Kong Po Road is Kam Tin North River. The village settlements of Cheung Kong Tsuen are located mainly to the further northwest across Kong Tai Road. To the south of the Site across Kam Tin North River and Kam Tai Road is a low-rise residential development namely Seasons Monarch (**Plans A-1 to A-3**).

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 Lot(s) 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) on Lots No. 1354 and 1373 in D.D. 109 (**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
 - (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. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.;
 - (c) as no further land filling works will be conducted on the existing open drain, he has no comment on the application from nature conservation perspective; and
 - (d) advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 16.6.2026, the application was published for public inspection. During the statutory public inspection period, 12 public comments were received, including one from World Wide Fund for Nature Hong Kong, four from nearby villagers/residents and seven 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; there may be adverse traffic,

environmental and drainage impacts on the surrounding areas; suspected UD is involved at the Site; approving the application would encourage “destroy first, build later” practice; and the approval conditions under the previous applications were not complied with (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 (CE/MN, DSD) 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 mainly with an intermix of open storage/storage yards, warehouses, rural/vehicle repair workshops, parking of vehicles, residential structures, grassland and vacant land. Whilst the Site is situated amidst a cluster of brownfield uses, the village settlements of Cheung Kong Tsuen and the low-rise residential development (i.e. Seasons Monarch) are separated by Kong Tai Road to the north and by Kam Tin North River and Kam Tai Road to the south of the Site respectively (**Plans A-2 and A-3**). Besides, the applicant will erect fencing of 2.5m in height and maintain the open drains along the eastern boundary of the Site. 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. DAFC also has no comment on the application from nature conservation perspective.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS), 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 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) on the concerned lots of the Site, the applicant will be advised to liaise with LandsD on these land administration matters.

- 11.5 Various parts of the Site are involved in three previous applications for the same use approved with conditions by the Committee (**Plan A-1**). Amongst these approved previous applications, the planning permission under application No. A/YL-KTN/925, which was submitted by the same applicant as the current application, was revoked in 2025 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 the drainage and FSIs proposals which are considered acceptable by CE/MN, DSD and D of FS respectively. 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.
- 11.6 There are 17 approved similar applications for temporary warehouse in the vicinity of the Site in the past five years as mentioned in paragraph 6.2 above. Although there are two rejected similar applications (No. A/YL-KTN/989 and 1201), these applications are located in areas interfacing with active farmland clusters and their planning circumstances and considerations are not relevant to the current application. Hence, approving the current application is in line with the Committee's previous decisions.
- 11.7 Regarding the public comments as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant. Besides, any UD on the Site would 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 24.7.2029. The following conditions of approval 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 24.4.2027;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (c) the implementation of the accepted 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;
- (d) 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;
- (e) if any of the above planning condition (a) or (c) 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
- (f) 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

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| Appendix I | Application Form with attachments received on 11.6.2026 and 12.6.2026 |
| Appendix Ia | FI received on 21.7.2026 |

Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	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
JULY 2026