

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1121

- Applicant** : Tomorrow View Limited represented by R-riches Planning Limited
- Site** : Lots 355 RP (Part), 356 S.B (Part), 356 RP, 359 RP (Part), 360 RP (Part), 361, 362 (Part), 363, 364 (Part) and 435 RP (Part) in D.D. 103 and Adjoining Government Land (GL), Kam Tin South, Yuen Long, New Territories
- Site Area** : About 5,764m² (including GL of about 696m² (about 12.1%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage and Warehouse (Construction Materials and Machinery) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage and warehouse (construction materials and machinery) 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 hard-paved, fenced-off, partly vacant and partly occupied by open storage of construction machineries and materials with a valid planning permission under application No. A/YL-KTS/1112 until 6.2.2029¹ (**Plans A-1b, A-2, A-4a and 4b**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plans A-1a to A-3**). According to the applicant, the proposed uses involve an open area of about 3,247m² (about 56.3% of the Site) for open storage of construction materials (such

¹ Part of the Site (**Plan A-1b**) is covered by a valid planning permission under application No. A/YL-KTS/1112 for proposed temporary open storage and warehouse (construction materials and machinery) and associated filling of land for a period of three years valid until 6.2.2029.

as bricks, tiles, pipes etc.) and machineries (such as excavators, cranes etc.) with a maximum stacking height of 3m; and three single-storey structures with a height of not more than 9m and a total floor area of about 590m² for warehouse, storing miscellaneous goods (such as apparel, electronic goods, furniture etc.) (**Drawing A-1**). No containers, dangerous goods and dusty materials (including cement, earth, pulverized fuel ash, aggregates, silt, stonefines, sand, debris, sawdust and wooden chips) will be stored at the Site and no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out at the Site at all times. Two private car parking spaces, one loading/unloading (L/UL) space for container vehicle and sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will turn back onto the local access. Solid metal fencing of 2.5m in height will be erected along the site boundary to minimise potential nuisance to the surrounding areas. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.2m in depth up to a level of +5.4mPD for site formation of structures, open storage, parking and L/UL spaces. No additional land filling will be carried out. 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. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site, in part or in whole, was involved in 12 previous applications for various open storage with or without warehouse, vehicle repair workshop and recycling centre uses (**Plan A-1b**) (details in paragraph 6 below). Compared with the last application No. A/YL-KTS/1112 for temporary open storage and warehouse uses approved by the Rural and New Town Planning Committee (the Committee) of the Board on 6.2.2026, the current application is submitted by the same applicant for the same use covering a larger site area (+2,348m²/+68.7%) with a larger open storage area (+1,518m²/+87.8%) and consequential changes in the layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments and (**Appendix I**)
Supplementary Information received on 9.3.2026 and
12.3.2026 respectively
 - (b) Further Information (FI) received on 15.4.2026* (**Appendix Ia**)
 - (c) FI received on 10.6.2026 (**Appendix Ib**)
* *accepted and exempted from publication and recounting requirements*
- 1.5 On 8.5.2026, the Committee of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 proposed uses can support the growing demand for storage space for the construction industry and development of various New Development Areas. The

Site falls within Category 2 areas under 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 there are similar applications approved in the vicinity of the Site. There are also no active agricultural activities within the Site. The proposed uses are not incompatible with the surrounding areas and the temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone while better utilising precious land resources in the New Territories.

- (b) The applied filling of land is necessary to meet the operational needs and no further land filling would be carried out at the Site under the current application. The applicant undertakes to reinstate the Site to an amenity area upon expiry of the planning approval.
- (c) In support of the application, the applicant has submitted a fire service installations (FSIs) proposal. The proposed uses would not induce adverse traffic, environmental and fire safety impacts on the surrounding areas. Solid metal fencing of 2.5m in height will be erected along the site boundary and the applicant will strictly follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department and relevant environmental protection/pollution control ordinances to minimise potential nuisance to the surrounding areas.
- (d) Upon approval of the application, the applicant will follow up with the necessary applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department (LandsD) as appropriate for implementing the proposed uses.

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

The applicant is not a ‘current land owner’ but has complied with the requirements 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 Member’s inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

4. Background

Part of the Site is currently subject to active planning enforcement action (No. E/YL-KTS/536) (**Plan A-2**) against Unauthorized Development (UD) involving storage use (including deposit of containers) and use for place for parking of vehicles. Enforcement Notice (EN) was issued in December 2025 requiring discontinuation of UD by February 2026. Part of the Site and EN site is currently covered by a valid planning permission (No. A/YL-KTS/1112) for proposed temporary open storage and warehouse (construction materials and machinery) and associated filling of land for a period of 3 years until 6.2.2029. Partial Cancellation Notice for EN for Lots. 363 and 364 in D.D. 103 was issued in June 2026. Since the UD on the portion not covered by the valid planning

permission has not been discontinued upon expiry of the notice, prosecution action is being taken.

5. **Town Planning Board Guidelines**

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. Relevant extracts of the Guidelines are at **Appendix II**.

6. **Previous Applications**

- 6.1 The Site was involved in 12 previous applications (No. A/YL-KTS/65, 148, 198, 293, 404, 509, 605, 667, 685, 743, 879 and 1112) for various open storage with or without warehouse, vehicle repair workshop and recycling centre uses, amongst which 10 were approved and two were rejected by the Committee. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

Approved Applications

- 6.2 Four applications (No. A/YL-KTS/65, 148, 879 and 1112) for various temporary open storage uses with/without warehouse use were approved by the Committee between 1997 and 2026 each for a period of 12 months or three years, mainly on the considerations that approval on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed/applied use was not incompatible with the surrounding land uses; relevant government departments consulted in general had no objection or no adverse comment; the technical/public concerns could be addressed by appropriate approval conditions; and the application was in line with the TPB PG-No. 13G (for applications No. A/YL-KTS/879 and 1112). Compared with the last approved application No. A/YL-KTS/1112, the current application is submitted by the same applicant covering a larger site with changes in development parameters and layout as set out in paragraph 1.4 above. The planning permission is valid until 6.2.2029.
- 6.3 The remaining six applications (No. A/YL-KTS/198, 293, 404, 509, 605 and 743) for temporary vehicle repair workshop were approved with conditions by the Committee between 2000 and 2017 each for a period of three years. The considerations of these applications are irrelevant to the current application due to different uses involved.

Rejected Applications

- 6.4 Application No. A/YL-KTS/667 for temporary metal recycling centre and open storage of scrap metal, concrete and machinery with ancillary office and application No. A/YL-KTS/685 for temporary open storage (concrete from demolished buildings), each for a period of three years, were rejected by the Committee in 2015 and 2016 respectively, mainly on the considerations that the applied use was not in line with the planning intention of the “AGR” zone and no strong planning justification had been given for a departure from the planning

intention; the application did not comply with the then TPB PG-No. 13E² in that the applied use was not compatible with the surrounding land uses, the residential dwellings/structures would be susceptible to adverse environmental nuisance generated by the applied use, and there were adverse comments from the relevant government departments and local objections; and the applicant failed to demonstrate that the applied use would not generate adverse environmental and drainage impacts on the surrounding areas.

7. **Similar Applications**

There are four similar applications (No. A/YL-KTS/896, 922, 1008 and 1083) (including three for renewal of planning permissions granted) covering three sites for temporary open storage of vehicles with/without container trailers/tractors parks and warehouse within the same “AGR” zone in the vicinity of the Site in the past five years. All the applications were approved with conditions by the Committee between 2021 and 2025 on similar considerations as stated in paragraph 6.2 above. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Kam Tin Road via a local access; and
- (b) currently hard-paved, fenced-off, partly vacant and partly occupied by open storage of construction machineries and materials with a valid planning permission under application No. A/YL-KTS/1112 until 6.2.2029.

8.2 The surrounding areas are rural in character comprising mainly brownfield operations (including open storage of vehicles, warehouses, vehicle repair workshops and car services), site office, scattered residential structures, cultivated agricultural land, vacant land and woodland. Tsing Long Highway and Kam Tin Road are located to the northeast of the Site.

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.

² The application sites fall within Category 3 areas under TPB PG-No. 13E.
A/YL-KTS/1121A

10. Comments from the 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 in **Appendices IV** and **V** respectively.
- 10.2 The following government departments have adverse comments on 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 GL and 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) no permission is given for occupation of GL (about 696m²) included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap.28;
- (d) the following irregularity has been detected:

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

LandsD has reservation on the application since there is/are unauthorized structure(s) and/or uses on Lots No. 356 S.B, 356 RP, 360 RP, 361, 362, 363 and 364 all in D.D. 103 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

- (e) his advisory comments are in **Appendix V**.

Agriculture and Nature Conservation

- 10.2.2 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. 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.; and

- (c) no comments from nature conservation perspective.

Environment

10.2.3 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 proposed uses would not involve dusty operation but they would cause traffic of heavy vehicles (i.e. container vehicle). According to his review, there are residential structures within 100m from the boundary of the Site. As such, according to the revised 'CoP', it is anticipated that the proposed uses 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) his advisory comments are in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 17.3.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the ground that the current application has overridden the relevant parties' duty to monitor the operators and the approval period of the application should be shortened to one year for better monitoring of compliance for approval conditions (**Appendix VI**).

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary open storage and warehouse (construction materials and machinery) and associated filling of land for a period of three years at the Site zoned "AGR" (**Plan A-1a**). Whilst the proposed uses are 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 uses with associated filling of land on a temporary basis of three years.

12.2 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 has no objection to the application from public drainage perspective and DEP has no comment on the applied filling of land from environmental planning 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. The applicant also undertakes to reinstate the Site upon expiry of the planning approval.

- 12.3 The proposed uses are considered not incompatible with the surrounding areas which are rural in character comprising mainly brownfield operations, site office, scattered residential structures, cultivated agricultural land, vacant land, woodland as well as Tsing Long Highway and Kam Tin Road. 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 uses are not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from proposed uses is not anticipated.
- 12.4 DEP does not support the application as the proposed uses involve use of heavy vehicle and there are sensitive receivers in the vicinity of the Site. Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. Besides, solid metal fencing of 2.5m in height will be erected along the site boundary to minimise potential nuisance to the surrounding areas. Should the planning application be approved, the applicant will be advised to follow the revised ‘CoP’ to minimise any potential environmental nuisance caused by the proposed uses on the surrounding areas. The operation of the proposed uses is also subject to the relevant pollution control ordinances. 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 submit to LandsD the relevant STW and STT application upon approval of the planning 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 who also considers the submitted FSIs proposal acceptable, 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 13.2 below.
- 12.6 There are four approved previous applications for temporary open storage with or without warehouse involving the Site and four approved similar applications for temporary open storage or warehouse within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 6.2 and 7 above respectively. Approving the current application is in line with the Committee’s previous decisions.

- 12.7 Regarding the public comment mentioned in paragraph 11, relevant government departments have been consulted, and any UD at the Site would be subject to planning enforcement action.

13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 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 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 (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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;
- (e) 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;
- (f) if any of the above planning condition (a), (b) 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 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 proposed uses with associated filling of land are 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 and SI received on 9.3.2026 and 12.3.2026 respectively
Appendix Ia	FI received on 15.4.2026
Appendix Ib	FI received on 10.6.2026
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
Appendix VI	Public Comment
Drawing A-1	Site Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
JULY 2026**