

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1122

- Applicant** : Sunny Sea Limited represented by R-riches Planning Limited
- Site** : Lots 512 (A-B) and 512 (C-E) in D.D. 113, Kam Tin South, Yuen Long
- Site Area** : About 1,539m²
- 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 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-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 within the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved, fenced-off and occupied by open storage of construction materials, machineries and miscellaneous items with temporary structures erected without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Ho Road via a local track (**Plans A-1a and A-3**). According to the applicant, the proposed use involves ten single-storey structures with total floor area of about 470m² and building height of not more than 8m for warehouses and storage uses for storage of construction materials (e.g. bricks, steel beams, scaffold etc.) and construction machineries (e.g. mobile cranes, excavators, generators etc.), ancillary site office and guardroom (**Drawing A-1**). No dangerous goods or dusty materials will be stored within the Site and no open storage, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out at the Site at all times. 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 site level of +20.4mPD for site formation of structures and circulation space. No additional land filling will be carried out. To minimise noise nuisance to the surrounding areas, solid metal fencing of 2.5m in height will be erected along the site boundary. Three private car parking spaces and one loading/unloading space for medium goods vehicle (MGV) as well as sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will turn back onto the local access. Staff will be deployed to station at the ingress/egress of the Site to direct incoming/outgoing vehicles to enhance pedestrian safety. The proposed 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 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 three previous applications for temporary open storage, animal boarding establishment and warehouse uses (**Plan A-1b**) (details in paragraph 5 below). Compared with the last previous application No. A/YL-KTS/997 for temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2024, the current application is submitted by the same applicant for the same use covering the same site with changes in development parameters, i.e. addition of container structures for storage use with increase in floor area of 92m²/+24.3%, and consequential changes in the layout. The planning permission under the last application was subsequently revoked due to non-compliance with approval condition.
- 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 25.3.2026 and
30.3.2026 respectively
 - (b) Further Information (FI) received on 13.4.2026* (Appendix Ia)
 - (c) FI received on 21.4.2026* (Appendix Ib)
 - (d) FI received on 12.6.2026* (Appendix Ic)
- * *accepted and exempted from publication and recounting requirements*
- 1.5 On 22.5.2026, 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 FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The proposed use can support the growing demand for indoor storage space and the local warehousing and storage industry. The proposed use is 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) There are similar applications approved by the Board and approving the current application is in line with the previous decisions of the Board and would not set an undesirable precedent.

- (c) 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.
- (d) The proposed use would not induce adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas. The proposed use will take place at least 3m beyond the top bank of the existing watercourse to the east of the Site and solid metal fencing of 2.5m in height will be erected along the site boundary. The applicant will also 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. In support of the application, the applicant has submitted a fire service installations (FSIs) proposal and photographic records of the existing drainage facilities.
- (e) Upon approval of the application, the applicant will follow up with the necessary application for Short Term Waiver (STW) to the Lands Department (LandsD) as appropriate for implementing the proposed use.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/YL-KTS/853, 869 and 997). Application No. A/YL-KTS/853 for proposed temporary open storage of construction machinery, materials, equipment and containers was rejected by the Committee in 2020 while Application No. A/YL-KTS/869 for proposed temporary animal boarding establishment and land filling was approved by the Board in 2021 for a period of five years. Considerations of these two applications are irrelevant to the current application due to different uses involved. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-KTS/997 for the same proposed use at the same site submitted by the same applicant as the current application with associated filling of land was approved by the Committee on 10.5.2024 for a period of three years, mainly on the considerations that that temporary approval would not frustrate the long-term planning intention of the "AGR" zone; 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 could be addressed by approval conditions. The planning permission was subsequently revoked in February 2026 due to non-compliance with the time-limited approval condition related to the implementation of FSIs proposal. Compared with the last previous application, the current application involves the changes as set out in paragraph 1.4 above.

6. Similar Applications

There are five similar applications (No. A/YL-KTS/1020, 1048, 1049, 1066 and 1071) for temporary warehouse with ancillary facilities/office and filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between 2025 and 2026 each for a period of three years mainly on the considerations similar to those mentioned in paragraph 5.2 above. Planning permissions for applications No. A/YL-KTS/1020, 1048 and 1066 were subsequently revoked between 2025 and 2026 due to non-compliance with time-limited approval conditions. 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 via a local track; and
- (b) currently hard-paved, fenced-off and occupied by open storage of construction materials, machineries and miscellaneous items with temporary structures erected without valid planning permission.

7.2 The surrounding areas are rural in character comprising mainly brownfield operations (including warehouse, open storage/storage yards and vehicle repair workshop), a residential structure, a pigsty farm, active farmland and vacant land. Tsing Long Highway is to the northwest 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 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 in **Appendices III and IV** respectively.
- 9.2 The following government departments have adverse comment on or do not support the application:

Land Administration

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

- (a) has adverse comments 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 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) on Lots No. 512 (A-B) and 512 (C-E) in D.D. **103 113** 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) his advisory comments are in **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 with some structures. Agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.;
- (c) no comment on the planning application from nature conservation perspective; and

- (d) his advisory comments are in **Appendix IV**.

Environment

9.2.3 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 use does not involve dusty operation but would cause traffic of heavy vehicles (i.e. MGV). 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 use 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 IV**.

10. Public Comment Received During Statutory Publication Period

On 31.3.2026, 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 mainly on the grounds that the approval conditions of the previous application No. A/YL-KTS/997 were not complied with and the approval period should be shortened (**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-1a**). Whilst the proposed use is not in line with the planning intention of "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 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.

- 11.3 The proposed use is considered not incompatible with the surrounding areas which are rural in character comprising mainly brownfield operations, a residential structure, a pigsty farm, active agricultural land, vacant land, and Tsing Long Highway. 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 DEP does not support the application as the proposed use involves use of heavy vehicle and environmental nuisance is expected as there are sensitive receivers in the vicinity of the Site. Nonetheless, there was no environmental complaint concerning the Site in the past three years. To address DEP's concern, the applicant will erect solid metal fencing of 2.5m in height along the site boundary to minimise potential nuisance to the surrounding areas. Should the planning application be approved by the Committee, the applicant will be advised to follow the revised 'CoP' to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. The operation of the proposed use is also subject to the relevant pollution control ordinances. Regarding DLO/YL, LandsD's concerns on the unauthorized structures on the 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 the LandsD upon approval of the application.
- 11.5 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, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.6 The Site is the subject of an approved previous application No. A/YL-KTS/997 for the same use at the same site submitted by the same applicant as mentioned in paragraph 5.2 above. Whilst the planning permission under the said previous application was revoked in February 2026 due to non-compliance with approval condition related to implementation of FSIs proposal, in support of the application, the applicant has submitted a FSIs proposal which is accepted by D of FS. 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.
- 11.7 There are also five approved similar applications within the same "AGR" zone 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.

- 11.8 Regarding the public comment mentioned in paragraph 10 above, departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment 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 submission of a revised condition record of the existing drainage facilities implemented on the Site within **3** months from the date of 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 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 material, 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

Appendix I	Application Form with Attachments and SI received on 25.3.2026 and 30.3.2026 respectively
Appendix Ia	FI received on 13.4.2026
Appendix Ib	FI received on 21.4.2026
Appendix Ic	FI received on 12.6.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
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
JULY 2026**