

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1196

- Applicant** : Mr. TANG Wai Pui represented by Mr. TANG Lok San
- Site** : Lots 1231 (Part), 1234 (Part), 1235, 1236, 1237 (Part), 1238 (Part) and 1240 (Part) in D.D. 107, Kam Tin North, Yuen Long, New Territories
- Site Area** : About 6,134.3m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Open Storage and Associated Filling of Land and Pond for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage and associated filling of land and pond 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 or pond in the “AGR” zone also requires planning permission from the Board. The Site is currently partly fenced-off and hard-paved, and partly covered with some overgrown vegetation and used for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Shui Mei Road via local tracks (**Plans A-1 to A-3**). According to the applicant, the applied use involves a total area of about 5,573.8m² (about 91% of the Site) for open storage of metal, plastic pipes, vehicle parts and construction materials with a maximum stacking height of 3m (**Drawing A-1**). Two loading/unloading spaces for light goods vehicle will be provided at the Site. The applicant also applies for filling of pond for about 1,378.4m² (about 22% of the Site), including regularisation of filling of pond with soil of about 0.8m in depth and further filling on top with concrete of about 0.3m in depth, as well as filling of land for the remaining area, including regularisation of filling of land for about 1,820.2m² (about 30% of the Site) and proposed filling of land for about 2,935.7m² (about 48% of the Site) with concrete of about 0.3m in depth,

raising the entire site to a level of not more than 10.4mPD for site formation and vehicular circulation (**Drawing A-2**). A buffer area of about 351m² in the form of setback for not less than 1m along the site boundary on all sides will be provided to minimise disturbance to the surrounding areas including the adjacent stream courses (**Drawing A-1** and **Plan A-2**). Peripheral fencing of 3m in height will also be erected along the site boundary on all sides. No storage of dangerous goods, recycling, cleansing, repairing, dismantling or other workshop activities will be undertaken at the Site at all times. 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/pond filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 18.12.2025 (**Appendix I**) and 29.12.2025
- (b) Further Information (FI) received on 13.3.2026* (**Appendix Ia**)
- (c) FI received on 27.5.2026* (**Appendix Ib**)
- (d) FI received on 8.7.2026# (**Appendix Ic**)

**accepted and exempted from publication and recounting requirements*

#accepted but not exempted from publication and recounting requirements

1.4 On 6.2.2026 and 8.5.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each 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**, and can be summarised as follows:

- (a) the applied use can help meet the increasing demand for open storage in the New Territories. The temporary nature of the application would not frustrate the long-term planning intention of the “AGR” zone. The applied use is not incompatible with the surrounding areas and there are similar applications approved in the vicinity; and
- (b) sufficient space will be provided for vehicle to manoeuvre smoothly within the Site. Adverse impacts on the surrounding areas are not anticipated. The Site will be reinstated when the planning permission expires. In support of the current application, the applicant has submitted a drainage proposal.

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 Kam Tin

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

5. **Background**

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

6. **Previous Application**

Part of the Site is the subject of a previous application No. A/YL-KTN/868 for temporary holiday camp which was approved with conditions by the Committee in 2023 and the planning permission was revoked in 2024 due to non-compliance with approval conditions. The 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**.

7. **Similar Applications**

There are 19 similar applications for temporary open storage with associated filling of land (including five also involving warehouse with/without container storage yard use) within the same "AGR" zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between 2023 and 2026 mainly on the considerations that the proposed/applied use on a temporary basis could be tolerated; the proposed/applied use was not incompatible with the surrounding areas; the relevant government departments consulted generally had no adverse comments or their concerns and public comments, if any, could be addressed by approval conditions; and the application was in line with TPB PG-No. 13G. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently partly fenced-off and hard-paved, and partly covered with some overgrown vegetation and used for the applied use without valid planning permission; and

(b) accessible from Shui Mei Road via local tracks.

8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards/warehouses (including six sites with valid planning permissions), animal boarding establishment, plant nursery, scattered residential structures, grassland and vacant land. To the immediate south and east are existing stream courses (**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/pond 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 Departments

10.1 Apart from the government department 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 at **Appendices IV** and **V** respectively.

10.2 The following government department does not support/has reservation on the application:

Agriculture, Fisheries 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.;
- (c) according to the aerial photos of 2022, a pond was identified within the Site which could potentially be used for aquaculture. The pond filling may therefore result in permanent loss of fisheries recourse. In this connection, he has reservation on the application from fisheries perspective; and

- (d) noted that there will be setback between the Site and the stream courses nearby, he has no comment on the application from nature conservation perspective.

11. Public Comment Received During Statutory Publication Periods

On 30.12.2025 and 14.7.2026, the application was published for public inspection. During the statutory public inspection periods, a public comment was received from an individual objecting to the application mainly on the grounds that the Site is not within Category 2 areas under TPB PG-No. 13G and brownfield use at the Site is not justified (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage and associated filling of land and pond 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 DAFC does not support and has reservation on the application from agricultural and fisheries perspectives respectively. However, taking into account the planning assessments below, there is no objection to the applied use with associated filling of land and pond on a temporary basis of three years.
- 12.2 Filling of land or pond 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 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.
- 12.3 The applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of open storage/storage yards/warehouses, animal boarding establishment, plant nursery, scattered residential structures, grassland and vacant land. The applicant has also proposed a buffer area in a form of setback for not less than 1m wide around the Site to minimise disturbance to the adjacent stream courses, and in this regard, DAFC has no comment on the application from nature conversation perspective. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application and considers that the applied use is not incompatible with the surrounding landscape character and significant adverse landscape impact is not anticipated.
- 12.4 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 DAFC, other relevant government departments consulted, including the Commissioner for Transport 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 13.2 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 nuisance caused by the applied use.

- 12.5 There are 19 approved similar applications involving temporary open storage with associated filling of land within the same "AGR" zone in the vicinity of the Site in the past five years as mentioned in paragraph 7 above. Approving the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the public comment 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 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 28.8.2029. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 28.2.2027;
- (b) in relation to (a) above, the implementation of the revised 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 28.5.2027;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the compliance with fire safety requirements 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 28.5.2027;
- (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 applied use with associated filling of land and pond 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.

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 received on 18.12.2025 and 29.12.2025
Appendix Ia	FI received on 13.3.2026
Appendix Ib	FI received on 27.5.2026
Appendix Ic	FI received on 8.7.2026
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

Appendix VII	Fire Services Department's good practice guidelines for open storage sites
Drawing A-1	Site layout plan
Drawing A-2	Land/pond filling plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2026**