

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1266

<u>Applicant</u>	: Kingsberg Land Limited represented by R-riches Planning Limited
<u>Site</u>	: Various Lots in D.D. 107, Fung Kat Heung, Kam Tin North, Yuen Long
<u>Site Area</u>	: About 2,588m 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-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 fenced-off and hard-paved, partly vacant and partly used for open storage of construction materials without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Mei Fung Road (**Plans A-2 to A-4**). According to the applicant, the proposed use for storage of miscellaneous goods (such as packaged food, apparel, footwear, electronic goods, construction materials and machineries) involves one structure of not more than two storeys (height of not more than 11m) with a total floor area of about 3,270m² for warehouse, ancillary office, washroom, fire service water tank and pump room (**Drawing A-1**). Two parking spaces for private cars and two loading/unloading spaces for light goods vehicles will be provided at the Site. The applicant also applies for regularisation of filling of land for about 2,517m² (about 97.3% of the Site) with concrete of not more 0.2m in depth (to a level of not more than 9.5mPD) for site formation and vehicular circulation (**Drawing A-2**). Two landscape areas (with

a total area of about 71m² or about 2.7% of the Site) at the western and northwestern peripheries of the Site will be provided where the existing hard-paving will be removed and 12 new trees (*Senna surattensis* 黃槐決明) will be planted to compensate for the loss of 12 trees previously found on the Site¹ (**Drawing A-3**). Peripheral solid metal fencing of 2.5m in height is erected along the site boundary on all sides to minimise environmental nuisance to the surrounding area. No open storage activities, dismantling, maintenance, recycling, cleansing, paint spraying or other workshop activities will be involved at the Site at all times. The operation hours will be between 8:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plans showing the site layout, land filling area and landscape proposal submitted by the applicant are on **Drawings A-1 to A-3** respectively.

- 1.3 The Site, in part or in whole, is involved in 10 previous applications (details at paragraph 5 below), including the last application No. A/YL-KTN/1031 for the same use with associated filling of land submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2024 and the planning permission was subsequently revoked in 2026 due to non-compliance with approval conditions. Compared with the last application No. A/YL-KTN/1031, the current application is the same in terms of site area/boundary, layout, major development parameters, land filling extent and tree compensation proposal.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 23.7.2026 (**Appendix I**)
 - (b) Further Information (FI) received on 21.8.2026* (**Appendix Ia**)
 - (c) FI received on 7.9.2026* (**Appendix Ib**)

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

- (a) the proposed use can support the local warehousing industry in the New Territories. The temporary nature of the application will not frustrate the long-term planning intention of the “AGR” zone;
- (b) sufficient space will be provided for vehicles to manoeuvre smoothly within the Site and the proposed use will generate infrequent trips. Adverse environmental and traffic impacts are not anticipated. In support of the current application, the applicant has submitted drainage and fire service installations (FSIs) proposals;

¹ The applicant of the current application is the same as the last application No. A/YL-KTN/1031, under which the applicant has committed to planting 12 new trees along the western and northwestern boundaries as landscape buffers for compensation purpose (**Drawing A-3**) but the compensation proposal has not been implemented eventually. The applicant undertakes to take forward the tree compensation proposal under the current application.

- (c) all 12 trees at the Site identified in the tree survey under the last application No. A/YL-KTN/1031 were already felled, and the applicant undertakes to take forward the tree compensation proposal under the last application to plant 12 new trees along the western and northwestern boundary as landscape buffers (**Drawing A-3**); and
- (d) regarding the Lands 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 planning 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 Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. 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.

5. Previous Applications

- 5.1 The Site, in part or in whole, is involved in 10 previous applications (No. A/YL-KTN/474, 520, 665, 670, 690, 772, 817, 850, 859 and 1031). Except the last application No. A/YL-KTN/1031, all the other nine applications are for temporary hobby farm/holiday camp/barbecue site which were approved with conditions by the Committee between 2015 and 2022, and their considerations are not relevant to the current application due to different uses involved. The planning permissions of eight of these nine previous applications were subsequently revoked between 2016 and 2024.
- 5.2 Application No. A/YL-KTN/1031 for the same use with associated filling of land submitted by the same applicant as the current application was approved with conditions by the Committee in 2024, mainly on the considerations 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 could be addressed by approval conditions. The planning permission was subsequently revoked in May 2026 due to non-compliance with approval conditions related to submission and implementation of drainage proposal and implementation of FSIs proposal. Compared with the last application No. A/YL-KTN/1031, the current application proposes the same 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-1b**.

6. Similar Applications

There are 53 similar applications for temporary warehouse with associated filling of land and/or pond (including five also involving open storage with/without container storage) 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 2022 and 2026 mainly on the similar considerations as mentioned in paragraph 5.2 above. Details of the similar applications are summarised at **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) currently fenced-off and hard-paved, partly vacant and partly used for open storage of construction materials without valid planning permission; and
- (b) accessible from Mei Fung Road.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, restaurant, residential structures, farmland, grassland, woodland and vacant land (**Plan A-2**).

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 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 comment 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) Lots No. 957 S.A, 957 S.B, 957 S.C, 957 S.D, 957 S.E, 957 S.F, 957 S.G, 957 S.H, 957 S.I, 957 S.J, 957 S.K, 957 S.L, 957 S.M, 957 S.N, 957 S.O, 957 S.P, 957 S.Q, 957 S.R, 957 S.S, 957 S.T, 957 S.U, 957 S.V, 957 S.W, 957 S.X, 957 S.Y, 957 S.Z, 957 S.AA, 957 S.AB, 957 S.AC and 957 RP in D.D. 107 are covered by STW No. 5816 for the purpose of Temporary Warehouse (Excluding Dangerous Goods Godown) and Any Ancillary Uses as may be approved by DLO/YL;
- (d) LandsD has reservation on the application since there is/are unauthorized structure(s) and/or uses(s) on Lots No. 913 RP and 958 in D.D. 107 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
- (e) 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. 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.

10. Public Comment Received During Statutory Publication Period

On 31.7.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising

concerns on the non-compliance with the approval conditions under the previous application No. A/YL-KTN/1031 (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and regularisation of the associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1a**). While 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 for a period 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 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 with an intermix of open storage/storage yards, restaurant, residential structures, farmland, grassland, woodland and vacant land. The applicant has also proposed to take forward the tree compensation proposal under the last approved application No. A/YL-KTN/1031 by providing two landscape buffers respectively at the western and northwestern peripheries of the Site where the existing hard-paving will be removed and 12 new trees will be planted. 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 entirely incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 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 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) and/or use(s) on the concerned lots of the Site, the applicant will be advised to liaise with LandsD on these land administration matters.
- 11.5 The Site is the subject of an approved previous application No. A/YL-KTN/1031 for the same use with associated filling of land submitted by the same applicant as the current application as mentioned in paragraph 5.2 above. Whilst the

planning permission under the previous application was revoked in May 2026 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 drainage and FSIs proposals. 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 also 53 approved similar applications involving temporary warehouse use with associated filling of land and/or pond 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.
- 11.7 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 11.9.2029. 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 11.3.2027;
- (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 11.6.2027;
- (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 revised 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 11.3.2027;
- (e) in relation to (d) above, the implementation of the revised 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 11.6.2027;

- (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 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 received on 23.7.2026
Appendix Ia	FI received on 27.8.2026
Appendix Ib	FI received on 7.9.2026
Appendix II	Previous and similar applications

Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Drawing A-2	Land filling plan
Drawing A-3	Landscape plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
SEPTEMBER 2026**