

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTS/1130**

|                           |   |                                                                                                                                     |
|---------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>Applicant</u></b>   | : | Useful Building Materials Trading Limited represented by Top Bright Consultants Limited                                             |
| <b><u>Site</u></b>        | : | Lots 1016 (Part), 1017, 1028 S.A (Part), 1029 (Part), 1030 (Part), 1031, 1032 and 1033 (Part) in D.D. 113, Kam Tin South, Yuen Long |
| <b><u>Site Area</u></b>   | : | About 4,503m <sup>2</sup>                                                                                                           |
| <b><u>Lease</u></b>       | : | Block Government Lease (demised for agricultural use)                                                                               |
| <b><u>Plan</u></b>        | : | Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15                                                                    |
| <b><u>Zoning</u></b>      | : | “Agriculture” (“AGR”)                                                                                                               |
| <b><u>Application</u></b> | : | Temporary Warehouse for Storage of Construction Materials and Associated Filling of Land for a Period of Three Years                |

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials 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 and used for the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Ho Road (**Plans A-1a to A-3**). According to the applicant, the applied use involves 12 one- or two-storey structures/containers with a total floor area of about 1,558m<sup>2</sup> and a height of not more than 11m for storage of construction materials for interior decoration (e.g. wooden floors, tiles, gypsum boards, fireproof boards etc.) and general goods, as well as a fire service (FS) pump room (**Drawing A-1**). All construction materials are stored within the enclosed structures and no dangerous goods or dusty materials are stored within the Site. No open storage, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are carried out at the Site at all times. To minimise noise nuisance to the surrounding areas, corrugated metal fencing of 2m

in height will be erected along the site boundary. Three private car parking spaces and two loading/unloading (L/UL) spaces for light goods vehicle (LGV) as well as sufficient manoeuvring space are provided within the Site to ensure that no vehicle will turn back onto the local access. The operation hours are between 8:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The applicant also applies for regularisation of filling of land for the entire Site with asphalt concrete of not more than 0.2m in depth up to a site level of +18.4mPD for site formation of structures and circulation space. No additional land filling will be carried out. 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, is involved in three previous applications for temporary open storage and warehouse uses (**Plan A-1b**) (details in paragraph 5 below). The last approved application No. A/YL-KTS/959, covering the majority of the Site except the southern tip, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023, and the planning permission lapsed in June 2026. The last application was to facilitate the relocation of the same applicant's business operation affected by the First Phase of the Yuen Long South New Development Area (YLS NDA) and the applicant states that the current application seeks to continue the same business operation at the Site. As compared with the last approved application No. A/YL-KTS/959, the current application is submitted by the same applicant for the same use covering a slightly larger site with some changes in development parameters and layout as summarised below:

| <b>Development Parameters</b>           | <b>Last approved application No. A/YL-KTS/959 (a)</b> | <b>Current application No. A/YL-KTS/1130 (b)</b> | <b>Difference (b)-(a)</b>                          |
|-----------------------------------------|-------------------------------------------------------|--------------------------------------------------|----------------------------------------------------|
| <b>Site Area (about)</b>                | 4,433m <sup>2</sup>                                   | 4,503m <sup>2</sup>                              | +70m <sup>2</sup> (+1.6%)                          |
| <b>Gross Floor Area (GFA) (about)</b>   | 1,306m <sup>2</sup>                                   | 1,558m <sup>2</sup>                              | +252m <sup>2</sup> (+19.3%)                        |
| <b>No. of Structures</b>                | 6                                                     | 12                                               | +6                                                 |
| <b>Building Height (No. of Storeys)</b> | 11m<br>(1 storey)                                     | 11m<br>(1 - 2 storeys)                           | No change<br>(+1 storey for one of the structures) |
| <b>Parking Spaces</b>                   | 3 (private car)                                       | 3 (private car)                                  | No change                                          |
| <b>L/UL Spaces</b>                      | 2 (LGV)                                               | 2 (LGV)                                          | No change                                          |

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

- (a) Application Form with attachments and Supplementary (**Appendix I**) Information (SI) received on 5.5.2026 and 12.5.2026 respectively
- (b) Further Information (FI) received on 16.7.2026\* (**Appendix Ia**)
- (c) FI received on 12.8.2026\* (**Appendix Ib**)

\* *accepted and exempted from publication and recounting requirements*

- 1.5 On 26.6.2025, 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, SI and FIs at **Appendices I to Ib**, and can be summarised as follows:

- (a) The applicant is one of the main suppliers of construction materials for interior decoration in the New Territories. The applied use can meet the applicant's genuine storage needs and support the construction industry in Hong Kong.
- (b) The Site was already formed between 1999 and 2003 as works area for the construction of West Rail and used for various non-agricultural use afterwards. The Site is not suitable for agricultural use. The applied use is temporary in nature and will not frustrate the long-term planning intention of the "AGR" zone and is not incompatible with the surroundings. There are also similar applications for temporary warehouse use approved within the "AGR" zones of the OZP.
- (c) The Site is subject to a previous application No. A/YL-KTS/959 approved with conditions by the Committee in 2023 for the same use in support of the relocation of the applicant's business operation affected by the First Phase of YLS NDA, and all approval conditions had been complied with in the previous application. As the planning permission of the previous application already lapsed, the current application seeks to continue the same business operation at the Site.
- (d) The applied use would not induce adverse traffic, environmental and drainage impacts on the surrounding areas. 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 (EPD). In support of the application, the applicant submitted a fire service installations (FSIs) proposal and the accepted drainage proposal under the previous application. The applicant has also submitted an application to the Lands Department (LandsD) for Short Term Waiver (STW).

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

The applicant is not a "current land owner" but have 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 Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member's inspection.

## 4. **Background**

The southern tip of the Site forms part of the planning enforcement action (No. E/YL-KTS/482) (**Plan A-2**) against unauthorized filling of land. Enforcement Notice (EN) and Reinstatement Notice (RN) were issued in 2023. As the site has not been satisfactorily reinstated as per the requirement of the RN, prosecution action is being taken. In addition, the same southern tip is also subject to another planning enforcement action (No. E/YL-KTS/551) (**Plan A-2**) against unauthorized development (UD) involving storage use

(including deposit of containers). EN was issued in May 2026 requiring discontinuation of the UD by June 2026. Latest site inspection revealed that the site was generally vacant, except the converted-container for accommodating the FS pump room as shown on the layout plan (**Drawing A-1**).

## 5. **Previous Applications**

- 5.1 The Site, in part or in whole, is involved in three previous applications (No. A/YL-KTS/385, 523 and 959). Applications No. A/YL-KTS/385 and 523 for temporary open storage use were rejected by the Board upon review in 2007 and 2011 respectively. Considerations of these two applications are irrelevant to the current application due to different use involved.
- 5.2 Application No. A/YL-KTS/959 covering the majority of the Site (except the southern tip) for the same use with associated filling of land submitted by the same applicant as the current application was approved by the Committee on 9.6.2023 for a period of three years, mainly on the considerations 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; policy support from the Secretary for Development (SDEV) was given to facilitate relocation of business operation displaced by government project; and relevant government departments consulted generally had no adverse comment or their concerns and public comments could be addressed by approval conditions. All approval conditions were complied with and the planning permission lapsed on 9.6.2026. Compared with the last approved application, the current application involves changes in development parameters as set out in paragraph 1.3 above.
- 5.3 Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1b**.

## 6. **Similar Application**

There is one similar application (No. A/YL-KTS/1125) for temporary warehouse with ancillary office and filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee in June 2026 for a period of three years mainly on the considerations similar to those mentioned in paragraph 5.2 above. Details of the similar application are summarised at **Appendix II** and the location is shown on **Plan A-1a**.

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

- 7.1 The Site is:
- (a) accessible from Kam Ho Road;
  - (b) currently hard-paved and occupied by the applied use without valid planning permission; and
  - (c) mostly located within the Ho Pui Site of Archaeological Interest (**Plan A-1a**)

- 7.2 The surrounding areas are rural in character of an intermix of village settlement of Ho Pui, residential dwellings, warehouses, storage and open storage yards, cultivated agricultural land, a pond and some vacant land. To the east of the Site across Kam Ho Road is a nullah.

## **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 “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 the Relevant Government Bureau/Departments**

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other bureau/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 do not support or have adverse comment on 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 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) the following irregularities have been detected:

#### **Unauthorised structure(s) within the private lot(s) covered by the application**

LandsD has reservation on the application since there is/are unauthorised structure(s) on Lots 1016, 1017, 1028 S.A, 1029, 1030, 1031 and 1032 in D.D. 113 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 and is generally vacant with some structures. 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.; and
- (c) no comment from nature conservation perspective.

### **10. Public Comments Received During Statutory Publication Period**

On 15.5.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the Indigenous Inhabitant Representative (IIR) of Ho Pui and an individual respectively. The IIR of Ho Pui supports the application mainly on the grounds that the Site is not feasible to be restored for agricultural use and the applied use would not bring adverse impacts to the surroundings and could boost local economy, while the individual raises concerns on the compliance of approval conditions of the previous application (No. A/YL-KTS/959) (**Appendix V**).

### **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse for storage of construction materials and regularisation of associated filling of land 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 the application from agricultural perspective. Notwithstanding this, according to the applicant, the current application seeks to continue the business operation at the Site, which was approved under the last application (No. A/YL-KTS/959) with SDEV’s policy support to facilitate relocation of brownfield operator (i.e. the applicant) displaced by government project given that the planning permission of the last application already lapsed in June 2026. Taking into account the planning assessments below, there is no objection to the applied 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 surrounding 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 applied use is considered not incompatible with the surrounding areas which are rural in character with an intermix of village settlements of Ho Pui, residential dwellings, warehouses, storage and open storage yards, cultivated agricultural land, pond, vacant land, local road and nullah (**Plan A-2**). 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 applied use is not entirely incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the applied use is not anticipated.
- 11.4 Other relevant government bureau and departments consulted, including the Commissioner for Transport, Director of Fire Services and Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office of Development Bureau, 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. It is also recommended to advise the applicant to follow the revised ‘CoP’ issued by EPD to minimise any potential environmental nuisance caused by the applied use. Regarding DLO/YL LandsD’s concerns on the unauthorised structure(s) at the Site, the applicant states that application for STW has been submitted to LandsD. Nevertheless, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are one approved previous application for the same use at the Site and one approved similar application within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5 and 6 above respectively. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the concerns raised in the public comment mentioned in paragraph 10 above, details of the previous applications at paragraph 5, 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 comments mentioned in 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 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 11.12.2026;

- (b) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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;
- (d) in relation to (c) 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;
- (e) 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;
- (f) if any of the above planning condition (a), (c) 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 IV**.

- 12.3 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 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**

|                     |                                                                                     |
|---------------------|-------------------------------------------------------------------------------------|
| <b>Appendix I</b>   | Application Form with attachments received on 5.5.2026 and SI received on 12.5.2026 |
| <b>Appendix Ia</b>  | FI received on 16.7.2026                                                            |
| <b>Appendix Ib</b>  | FI received on 12.8.2026                                                            |
| <b>Appendix II</b>  | Previous and Similar Applications                                                   |
| <b>Appendix III</b> | Government Departments' General Comments                                            |
| <b>Appendix IV</b>  | Recommended Advisory Clauses                                                        |
| <b>Appendix V</b>   | Public Comments                                                                     |
| <b>Drawing A-1</b>  | Site Layout Plan                                                                    |
| <b>Drawing A-2</b>  | Land Filling Plan                                                                   |
| <b>Plan A-1a</b>    | Location Plan with Similar Application                                              |
| <b>Plan A-1b</b>    | Previous Application Plan                                                           |
| <b>Plan A-2</b>     | Site Plan                                                                           |
| <b>Plan A-3</b>     | Aerial Photo                                                                        |
| <b>Plan A-4</b>     | Site Photos                                                                         |

**PLANNING DEPARTMENT  
SEPTEMBER 2026**