

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

**APPLICATION NO. A/NE-KTS/553**

- Applicant** : Tak Shing Development Investment Limited represented by R-riches Property Consultants Limited
- Site** : Lots 2219 (Part) and 2220 (Part) in D.D. 92, Kam Tsin Road, Kwu Tung South, Sheung Shui, New Territories
- Site Area** : 12,156m<sup>2</sup> (about)
- Lease** : (i) Lot 2219 - New Grant No. 5724 (for agriculture purpose only)  
(ii) Lot 2220 - New Grant No. 5725 (for agriculture purpose only)
- Plan** : Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/22 (*currently in force*)  
  
Draft Kwu Tung South OZP No. S/NE-KTS/21 (*at the time of submission*)  
  
[the zoning and development restrictions of the application site remain unchanged on OZP No. S/NE-KTS/22]
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “REC” 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). The Site is fenced, hard paved and currently used for open storage/storage with temporary structures without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via Kam Tsin Road connecting to Kam Hang Road with a proposed ingress/egress at the south-eastern corner of the Site (**Plans A-1 to A-3**). According to the

applicant, the proposed use comprises a two-storey (about 15m) structure with a total gross floor area (GFA) of about 17,228m<sup>2</sup> and a site coverage (SC) of 71% for warehouse (for storage of construction materials, e.g. bricks, tiles, glass, etc.), ancillary office and washroom. The operation hours will be from 9:00 a.m. to 7:00 p.m. (Mondays to Saturdays), with no operation on Sundays and public holidays. A total of ten staff will be working at the Site and no visitor is anticipated. No storage of dangerous goods or workshop, recycling, cleansing, dismantling and other workshop activities will be undertaken at the Site. Four private car parking spaces and six loading/unloading (L/UL) spaces for container vehicles will be provided within the Site. Traffic signage will be posted at the junction of Kam Tsin Road and the Site's ingress/egress to enhance road and pedestrian safety. A 2.5m-high solid metal wall will be erected along the whole site boundary to minimise potential nuisance to the surroundings. All the 19 existing trees within the Site will be retained and 28 new trees are proposed to be planted along the northern boundary of the Site. The layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site, in part or in whole, is involved in two previous applications (details at paragraph 5 below). The last application (No. A/NE-KTS/517) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 31.3.2023, and the planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions. Comparing with the last application, the current application is submitted by the same applicant for the same use at same Site, but with slight changes in layout and development parameters, i.e. slight increase in GFA and SC from about 17,208m<sup>2</sup> to about 17,228m<sup>2</sup> and from 70% to 71% respectively, and reduction in numbers of car parking spaces from 5 to 4 and increase of L/UL spaces for container vehicles from 4 to 6.

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

- (a) Application Form and Supplementary Information (**Appendix I**)  
received on 11.2.2025 and 17.2.2025 respectively
- (b) Further Information (FI) received on 1.4.2025<sup>#</sup> (**Appendix Ia**)
- (c) FI received on 3.4.2025<sup>#</sup> (**Appendix Ib**)  
*<sup>#</sup> 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 below:

- (a) Although the proposed use is not in line with the planning intention of "REC" zone, there is no existing or planned recreational development within the Site. Approval of the application on a temporary basis could better utilise land resources and create job opportunities.
- (b) The proposed use with a low-rise enclosed structure is considered not incompatible with the surrounding areas and will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas by adoption of appropriate

mitigation measures. The applicant will strictly follow the relevant government code of practices, practice notes and ordinances to minimise possible environmental impacts.

- (c) No gate is proposed at the Site's ingress/egress to facilitate smooth entry of vehicles and to ensure no queueing of vehicles outside the Site. Traffic signage, e.g. 'Beware of Head-on Traffic' and 'Beware of Pedestrians', will be posted at the junction of Kam Tsin Road and the Site's ingress/egress to enhance road and pedestrian safety.
- (d) The Site is the subject of a previously approved application (No. A/NE-KTS/517) for the same use. Approval of the current application is in line with the Committee's previous decision.
- (e) The submission parts of approval conditions under the last application (No. A/NE-KTS/517) have been complied with. The applicant has submitted a revised fire service installations (FSIs) proposal and a revised drainage proposal in support of the current application. The applicant will proceed with the implementation works of the accepted proposals upon obtaining planning permission from the Board.
- (f) The applicant will rectify the unlawful occupation of Government land (GL) and apply for modification of Short Term Waiver (STW) after planning approval is obtained. No structure will be erected on GL.

### **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 publishing notice in local newspaper and sending notice to the Sheung Shui District Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

### **4. Background**

The southern part of the Site was subject to two rounds of previous planning enforcement actions in 2016 and 2022. Investigation is now being taken on the Site. Should there be sufficient evidence, the storage use on the Site would be subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site, in part or in whole, was involved in two previous applications (No. A/NE-KTS/491 and 517). Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/NE-KTS/491 covering the southern part of the Site for temporary warehouse with ancillary office was rejected by the Committee in 2020, mainly on the grounds that the proposed use was not in line with the planning intention of the "REC" zone; there was no strong justification for a departure from the planning intention, even

on a temporary basis; and the applicant failed to demonstrate that the proposed use would not generate adverse traffic impact on the surrounding areas.

- 5.3 Application No. A/NE-KTS/517 for temporary warehouse (excluding dangerous goods godown) with ancillary office at the same Site was approved with conditions by the Committee on 31.3.2023, mainly on the grounds that approval of the application would not frustrate the long-term planning intention of the “REC” zone; the proposed use was considered not incompatible with the surrounding areas; and the relevant government departments consulted generally had no adverse comment or their technical concerns could be addressed by approval conditions. The planning permission was subsequently revoked in 2024 due to non-compliance with approval conditions on the implementation of the FSIs and drainage proposals, and the provision of vehicular access, parking and L/UL spaces and pedestrian facilities. Comparing with the last application, the current application is submitted by the same applicant for the same use with slight changes in the layout and development parameters as set out in paragraph 1.3 above.

## **6. Similar Applications**

While there is no similar application within the same “REC” zone, there are two similar applications (No. A/NE-KTS/532 and 545) for temporary warehouse (hardware accessories) with ancillary office uses within the nearby “REC” zone in the vicinity of the Site in the past five years. The two similar applications were approved with conditions by the Committee in 2024, mainly on the considerations as mentioned in paragraph 5.3 above. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) fenced, hard paved, and currently used for open storage/storage with temporary structures without valid planning permission; and
- (b) accessible from Kam Tsin Road connecting to Kam Hang Road.

7.2 The surrounding areas are predominantly rural in nature with a low-rise residential development (Casas Domingo), residential/temporary structures, storages yards, a vehicle parks vacant land, tree groups and permitted burial grounds.

## **8. Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism.

## **9. Comments from Relevant Government Departments**

- 9.1 Apart from the government departments as set out in 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 IV** and **V** respectively.
- 9.2 The following government departments do not support/have adverse comments the application:

### **Environment**

#### **9.2.1 Comments of the Director of Environmental Department (DEP):**

- (a) does not support the application from the environmental perspective as heavy vehicles are involved, the nearest domestic structure is about 30m away from the Site and the heavy vehicle traffic is expected to travel along the access road within 50m from the nearest residential building;
- (b) there was no substantiated environmental complaint concerning the Site received in the past three years; and
- (c) advisory comments are at **Appendix V**.

### **Land Administration**

#### **9.2.2 District Lands Officer/North, Lands Department (DLO/N, LandsD):**

- (a) has adverse comment on the application;
- (b) the Site comprises Lot Nos. 2219 and 2220 in D.D 92 held under New Grant Nos. 5724 and 5725 respectively for the purpose of agriculture only and no structures shall be erected on the lots. No right of access via GL is granted to the Site;
- (c) the private lots are covered by STW No. 1667 for the purpose of warehouse (excluding dangerous goods godown) with ancillary office;
- (d) the GL adjoining the Site has been illegally occupied with unauthorised structures without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28 or the applicant should advise any toleration has been given by competent authority. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice; and
- (e) advisory comments are at **Appendix V**.

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

On 18.2.2025, the application was published for public inspection. During the statutory publication period, four public comments were received, which included two supporting comments from the village representatives of Kam Tsin; one from an individual objecting to the application with concerns that the non-compliance of approval conditions under the previous application has put the community at risks of fire safety and flooding; and one from a member of the North District Council indicating no comment on the application (**Appendix VI**).

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

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the Site zoned “REC” (**Plan A-1**). While the proposed use is not in line with the planning intention of “REC” zone, no known development project or facility for recreation uses at the Site under the purview of the Director of Leisure and Cultural Services would be involved or affected. Taking into account the above and the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 11.2 The proposed use is considered not incompatible with the surrounding areas, which are predominantly rural in nature with a low-rise residential development, residential/temporary structures, storage yards, a vehicle park, vacant land, tree groups and permitted burial grounds (**Plan A-2**). The applicant has proposed to erect a 2.5m-high solid metal wall along the whole site boundary to minimise potential nuisance to the surroundings, to retain all 19 existing trees within the Site and to plant 28 new trees at the northern part of the Site. The Chief Town Planner/Urban Design & Landscape of Planning Department (PlanD) has no adverse comment on the application from landscaping planning perspective and considers that the proposed use is not incompatible with the landscape setting in the proximity and significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.3 DEP does not support the application as heavy vehicles are involved and there are residential structures in the vicinity of the Site. Nonetheless, there was no environmental complaint concerning the Site in the past three years. Should the application be approved, the applicant will be advised to follow the “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 on the surrounding areas.
- 11.4 Concerned government departments consulted, including the Commissioner for Transport (C for T), Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) 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. Regarding DLO/N, LandsD’s concern on the illegal occupation of GL, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.

- 11.5 The Site is the subject of a previously approved application No. A/NE-KTS/517 submitted by the same applicant for the same use with slightly different layout and development parameters. The planning permission was subsequently revoked due to the non-compliance with approval conditions on the implementation of the FSIs and drainage proposals, and the provision of run-in/run-out access, parking and L/UL spaces and pedestrian facilities. In this regard, the applicant has submitted FSIs and drainage proposals as well as vehicular run-in/run-out and pedestrian safety proposals in support of the application. D of FS has no in principle objection to the FSIs proposal while CE/MN, DSD considers the submitted drainage proposal acceptable. Should the application be approved, the applicant will be advised that if he fails 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 Given the approved previous application at the Site and two approved similar applications within the nearby “REC” zone in the vicinity of the Site in the past five years as mentioned in paragraphs 5 and 6 above, approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the objecting public comment 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 comments 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 11.4.2028. The following approval conditions and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the design of parking and loading/unloading spaces and pedestrian facilities within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 11.10.2025;
- (b) in relation to (a) above, the provision of parking and loading/unloading spaces and pedestrian facilities within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 11.1.2026;

- (c) the submission of the design of vehicular run-in/run-out to the site within **6** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 11.10.2025;
- (d) in relation to (c) above, the provision of vehicular run-in/run-out to the site within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and the Director of Highways or of the Town Planning Board by 11.1.2026;
- (e) 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 11.10.2025;
- (f) the implementation of the 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 11.1.2026;
- (g) the implementation of the accepted 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 11.1.2026;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) if the above planning condition (h) 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; and
- (j) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (g) 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.

#### Advisory clauses

The recommended advisory clauses are at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of the general public and to encourage the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification given 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 applicants.

### **14. Attachments**

<b>Appendix I</b>	Application form and supplementary information received on 11.2.2025 and 17.2.2024 respectively
<b>Appendix Ia</b>	FI received on 1.4.2025
<b>Appendix Ib</b>	FI received on 3.4.2025
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Similar applications
<b>Appendix IV</b>	Government departments' general comments
<b>Appendix V</b>	Recommended advisory clauses
<b>Appendix VI</b>	Public comments
<b>Drawing A-1</b>	Layout plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
APRIL 2025**