

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

**APPLICATION NO. A/YL-KTN/1027**

- Applicant** : 陳凱雪 represented by 海願規劃發展公司
- Site** : Lots 777 (Part), 778 (Part), 779, 780 (Part), 781 (Part), 918 S.A RP (Part) and 918 S.C RP (Part) in D.D. 107, Kam Tin, Yuen Long, New Territories
- Site Area** : About 1,856m<sup>2</sup>
- 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** : Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of Three Years and Associated Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) for a period of three years and associated filling of land 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 in the “AGR” zone also requires planning permission from the Board. The Site is currently fenced-off, paved, erected with some temporary structures and used for open storage of construction materials and machineries without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Mei Fung Road via a short section of local track (**Plans A-2 and A-3**). According to the applicant, the proposed use for storage of construction materials such as masonry, sandstone, glass and cement involves three single-storey structures with a total floor area of about 540m<sup>2</sup> and building heights of not more than 7m for warehouse, ancillary office and washroom (**Drawing A-1**). No storage of flammable goods, repairing, paint spraying, cleansing and dismantling activities will be involved at the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of about 0.2m in depth (to level of not more than 10mPD) for site formation and vehicular circulation (**Drawing A-2**). Two loading/unloading spaces for light goods vehicle will be provided. The proposed operation hours will be between 9

a.m. and 6 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 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 17.6.2024 (**Appendix I**)
- (b) Further Information (FI) received on 12.7.2024\* (**Appendix Ia**)
- (c) FI received on 10.10.2024# (**Appendix Ib**)

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

*# accepted but not exempted from publication and recounting requirements*

1.4 On 16.8.2024, the Rural and New Town Planning Committee (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 **Ib**, and can be summarised as follows:

- (a) The proposed use is temporary in nature and approving the current application will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding areas. There were similar applications approved by the Committee in the vicinity of the Site.
- (b) Since no further land filling activities would be involved, the proposed use will not pollute or disturb the adjacent watercourse. A drainage proposal has been submitted by the applicant in support of the application.
- (c) Sufficient space is allowed for vehicle manoeuvring within the Site. Traffic generated by the proposed use would concentrate in off-peak hours. The proposed use would not cause adverse traffic impact to the local road network.
- (d) In response to the public comment regarding illegal occupation of the private lot No. 918 S.B in D.D. 107, the applicant has excluded the concerned lot in the application (**Drawing A-1** and **Plan A-2**).

## **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 posting site notice and sending notice to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Member’s 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 Application**

5.1 The Site is involved in one previous application (No. A/YL-KTN/487) for temporary open storage which is not relevant to the current application due to different use involved.

5.2 Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

#### **6. Similar Applications**

6.1 There are 31 similar applications for temporary warehouse (including one for renewal of temporary approval granted, 30 with filling of land/pond, and two also involved open 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 June 2020 and November 2024 mainly on the considerations that the proposed/applied use on a temporary basis would not frustrate the long-term planning intention or could be tolerated; the proposed/applied use was not incompatible with the surrounding land uses; the relevant government departments consulted generally had no adverse comments or their technical concerns could be addressed by approval conditions. The planning permissions under applications No. A/YL-KTN/824, 852, 890, 898 and 938 were subsequently revoked between January and September 2024 due to non-compliance with approval conditions.

6.2 Details of the similar applications are summarised in **Appendix II** 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) currently fenced-off, paved, erected with some temporary structures and used for open storage of construction materials and machineries without valid planning permission; and
- (b) accessible from Mei Fung Road via a short section of local track.

7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, warehouses, parking of lorry, hobby farm, residential structures, restaurant (with valid planning permission under application No. A/YL-KTN/1055), farmland and vacant land.

## **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 the Relevant Government Departments**

- 9.1 Apart from the government department 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 are provided in **Appendices III and IV** respectively.
- 9.2 The following government department does not support the application:

### **Agriculture 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 and is generally occupied by some sundries. 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 and plant nurseries; and
- (c) no comment on the application from nature conservation perspective.

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

On 25.6.2024 and 22.10.2024, the application and FI were published for public inspection. During the statutory public inspection periods, seven public comments were received from The Conservancy Association, Kadoorie Farm and Botanic Garden and four individuals (including one comment from a land owner of the adjoining lot No. 918 S.B in D.D. 107 and two comments from the same individual), all objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; the proposed use is not compatible with the surrounding land uses; there are brownfield operations taken place without prior approval; approving the application would set an undesirable precedent for other similar applications; there will be adverse environmental impacts; and there is illegal occupation of the private lot No. 918 S.B in D.D. 107 (**Appendix V**).

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

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone 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. Whilst 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, the proposed use on a temporary basis for a period of three years could be tolerated.
- 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 perspectives respectively. An approval condition requiring reinstatement of the Site to an amenity area upon expiry of the planning permission is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses which are rural in character with an intermix of open storage/storage yards, warehouses, parking of lorry, residential structures, restaurant and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection to the application from landscape planning perspective considering that the proposed use is not incompatible with the surrounding landscape setting 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, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised 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.
- 11.5 There are 31 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment on illegal occupation of a private lot as mentioned in paragraph 10 above, the concerned lot is not included in the Site. For other objecting comments, the 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 comments mentioned in paragraph 10 above, PlanD considers that the proposed use could be tolerated for a period of three years.
- 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 6.12.2027. 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 6.6.2025;
- (b) in relation to (a) above, the implementation of the 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 6.9.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a 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 6.6.2025;
- (e) in relation to (d) above, 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 6.9.2025;
- (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 to an amenity area 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 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 applicant.

### **14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 17.6.2024
<b>Appendix Ia</b>	FI received on 12.7.2024
<b>Appendix Ib</b>	FI received on 10.10.2024
<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-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  
DECEMBER 2024**