

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

**APPLICATION NO. A/YL-KTN/1081**

<b><u>Applicant</u></b>	: Creation Prospect Construction Engineering Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 945 (Part), 946 S.A (Part), 946 S.B, 946 S.C, 946 S.D, 946 S.E (Part), 946 S.F, 946 S.G, 946 S.H, 946 S.I, 946 S.J (Part), 946 RP (Part), 947, 948 and 1120 (Part) in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 3,611m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: 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 and largely vacant with some temporary structures (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Mei Fung Road via local tracks (**Plans A-2 and A-3**). According to the applicant, the proposed use for storage of construction materials (including bricks, tiles and glass) and machineries (including excavators and cranes) involves one single-storey structure with a rain shelter canopy, with height of not more than 8m and a total floor area of about 2,157m<sup>2</sup> for warehouse, ancillary site office and washroom. Two parking spaces for private car and two loading/unloading (L/UL) spaces for light goods vehicle and container vehicle will be provided (**Drawing A-1**). No dismantling, maintenance, repairing, cleansing, paint spraying, workshop activities and storage of dangerous goods

will be involved at the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.1m in depth (to level of about 11.8mPD) for site formation and vehicular circulation (**Drawing A-2**). The proposed operation hours will be between 9:00 a.m. and 7:00 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 (Appendix I)  
6.1.2025 and 8.1.2025

(b) Further Information (FI) received on 4.2.2025\* (Appendix Ia)

*\* 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 FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The proposed use can support the growing demand of construction industry and arising from the various new development areas across the New Territories. The temporary use will not frustrate the long-term planning intention of the “AGR” zone. The proposed use is not incompatible with the surrounding land uses and there were similar applications approved in the vicinity of the Site.
- (b) The applied filling of land is necessary to meet the operational needs and no further land filling will be involved. Sufficient space will be provided for vehicle manoeuvring within the Site. The proposed use will generate infrequent trips. Adverse traffic and environmental impacts are not anticipated.
- (c) Regarding the unauthorized structures within the Site, the applicant will follow up with Short Term Waiver (STW) application to the Lands Department (LandsD).

## 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 subject to planning enforcement action (No. E/YL-KTN/712) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice

was issued on 14.10.2024 requiring discontinuation of the UD by 14.12.2024. As revealed in the latest site inspection, the UD was discontinued.

## 5. **Previous Application**

The north-eastern part of the Site is the subject of a previous application (No. A/YL-KTN/588) for temporary animal boarding establishment which is not relevant to the current application due to different use involved. 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 33 similar applications for temporary warehouse (including one renewal of temporary approval granted, 32 with filling of land/pond, and three also involving open storage 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 Rural and New Town Planning Committee (the Committee) of the Board between 2020 and 2025 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; and the relevant government departments consulted generally had no adverse comments or the concerns could be addressed by approval conditions. The planning permissions under seven of these applications (No. A/YL-KTN/824, 852, 890, 898, 904, 905 and 938) were subsequently revoked in 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**.
- 6.3 Other than the similar applications mentioned in paragraph 6.1 above, applications No. A/YL-KTN/1082 and 1083 for temporary warehouse with associated filling of land within the same “AGR” zone will be considered at the same meeting (**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 and largely vacant with some temporary structures; and
  - (b) accessible from Mei Fung Road via local tracks.
- 7.2 The surrounding areas are rural in character with an intermix of open storage/storage yards (including sites with valid planning permissions under applications No. A/YL-KTN/1040 and 1050), parking of vehicles, vehicle repair workshop and warehouse mainly to the north of the Site; as well as animal boarding establishments, residential structures, farmland and grassland mainly to

the south and southeast of the Site. To the further south is a cluster of active farmland intermixed with green houses and plant nurseries.

## **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 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 in **Appendices III** and **IV** respectively.
- 9.2 The following government departments have adverse comments on / do not support the application:

### **Land Administration**

- 9.2.1 Comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD):
- (a) has adverse comments on the application;
  - (b) the Site comprises Old Schedule Agricultural Lot Nos. 945, 946 S.A, 946 S.B, 946 S.C, 946 S.D, 946 S.E, 946 S.F, 946 S.G, 946 S.H, 946 S.I, 946 S.J, 946 RP, 947, 948 and 1120 all in D.D. 107 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) Letter of Approval MT/LM15901 was given for erection of agricultural structures on Lot No. 948 in D.D. 107;
  - (d) LandsD has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on Lot Nos. 946 S.C, 946 S.G, 946 S.H, 946 S.I all 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) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lots. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

### **Environment**

#### 9.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application from environmental planning perspective;
- (b) based on the information provided, the proposed use would not involve dusty operation but it would involve use of heavy vehicle (i.e. one L/UL space for container vehicle will be provided at the Site). There are residential structures within 100m from the boundary of the Site. As such, according to the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites', it is anticipated that the proposed use would cause environmental nuisance to the residential structures nearby;
- (c) no comment on the applied filling of land;
- (d) there was no environmental complaint received against the Site in the past three years; and
- (e) detailed advisory comments are at **Appendix IV**.

### **Agriculture and Nature Conservation**

#### 9.2.3 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. 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 Comments Received During Statutory Publication Period**

On 14.1.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from Kadoorie Farm and Botanic Garden and an individual objecting to the application mainly on the grounds that the proposed use involves ‘destroy to build’; there may be unauthorized use at the Site and potential impacts on Agricultural Priority Areas; and it is not in line with the planning intention of the “AGR” zone (**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**). 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, there is no objection to the proposed use on a temporary basis of three years with associated filling of land.
- 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 has no objection to the application from public drainage perspective and DEP has no comment on the applied filling of land. 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, parking of vehicles, vehicle repair workshop and warehouse mainly to the north of the Site, as well as animal boarding establishments, residential structures, farmland and grassland to the south and southeast of the Site. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 DEP does not support the application as the proposed use involves use of heavy vehicle and there are sensitive receivers in the vicinity of the Site. It is noted that the proposed access to the Site from Mei Fung Road will not pass through areas with residential structures. Should the application be approved by the Committee, to address DEP’s concerns, the applicant will 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. The operation of the proposed use will also be subject to the relevant pollution control ordinances.

- 11.5 Regarding DLO/YL, LandsD's concern on the unauthorized structures and/or uses on the concerned lots within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. 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.
- 11.6 There are 33 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.
- 11.7 Regarding the public comments as mentioned in paragraph 10 above, 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 28.2.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a 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 28.8.2025;
- (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 28.11.2025;
- (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 28.8.2025;
- (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 28.11.2025;

- (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, including the removal of hard paving and fill materials and grassing of the application 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 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 6.1.2025 and 8.1.2025
<b>Appendix Ia</b>	FI received on 4.2.2025
<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  
FEBRUARY 2025**