

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

**APPLICATION NO. A/YL-KTN/1083**

<b><u>Applicant</u></b>	: Ms. CHAN Pui Ling represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lots 1222 S.A (Part) and 1224 S.B in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 516m <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, erected with some temporary structures and 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 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 height of about 8.23m and a floor area of about 222m<sup>2</sup> for warehouse and ancillary site office. One parking space for private car and one loading/unloading space for light goods vehicle will be provided (**Drawing A-1**). No dangerous goods will be stored, and no workshop and open storage activities 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 10.4mPD) 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 The Site is the subject of three previous applications including the last approved application No. A/YL-KTN/904 for the same use submitted by the same applicant as the current application (details at paragraph 5 below). Compared with application No. A/YL-KTN/904, the development parameters and layout under the current application remain unchanged. The planning permission was revoked in November 2024 due to non-compliance with approval conditions.
- 1.4 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 17.2.2025\* (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 meet the demand for warehouse in recent years. 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. Sufficient space is allowed for vehicle manoeuvring within the Site and infrequent trip generation is anticipated. Adverse impacts are not anticipated. In support of the application, the applicant has submitted drainage and fire service installations (FSIs) proposals.

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

The applicant is the sole ‘current land owner’ of the Site. 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 Applications**

- 5.1 The Site is the subject of three previous applications (No. A/YL-KTN/745, 814 and 904). Application No. A/YL-KTN/745 for temporary place of recreation, sports or culture (hobby farm) and application No. A/YL-KTN/814 for temporary animal boarding establishment are not relevant to the current application due to different use involved.
- 5.2 Application No. A/YL-KTN/904 for temporary warehouse (excluding dangerous goods godown) for a period of three years and filling of land submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in May 2023 mainly on the considerations that the proposed use on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed 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 permission was subsequently revoked in November 2024 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals. Compared with the last approved application No. A/YL-KTN/904, the current application is the same in terms of the development parameters and layout.
- 5.3 Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are 32 similar applications for temporary warehouse (including one renewal of temporary approval granted, 31 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 Committee between 2020 and 2025 mainly on similar considerations as mentioned in paragraph 5.2 above. The planning permissions under six of these applications (No. A/YL-KTN/824, 852, 890, 898, 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/1081 and 1082 for temporary warehouse 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, erected with some temporary structures and used for open storage of construction materials without valid planning permission; 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 three sites with valid planning permissions under applications No. A/YL-KTN/1019, 1050 and 1054), warehouse, parking of vehicles, animal boarding establishment, residential structures (the nearest is within about 50m to the north of the Site), plant nursery, grassland 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, if any, 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, plant nurseries, etc.; and

- (c) no comment on the application from nature conservation perspective.

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

On 14.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that approval conditions under the previous applications were not complied with; and the previous applications for hobby farm and animal boarding establishment were fake (**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 (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from public drainage and environmental 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, warehouse, parking of vehicles, animal boarding establishment and residential structures. 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 Other relevant government departments consulted, including the Commissioner for Transport 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. 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.

- 11.5 The Site is the subject of a previously approved application (No. A/YL-KTN/904) for the same use submitted by the same applicant as the current application as detailed in paragraph 5.2 above. Whilst the planning permission under application No. A/YL-KTN/904 was revoked in November 2024 due to non-compliance with approval conditions related to submission and/or implementation of drainage and FSIs proposals, the applicant has submitted the relevant proposals under the current application and D of FS considers the submitted FSIs proposal acceptable. 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 Given that there are a previously approved application for temporary warehouse and 32 approved similar applications within the same “AGR” zone in the vicinity of the Site in the past five years, approving the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comment 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 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 28.2.2028. 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 28.8.2025;
- (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 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 implementation of the accepted 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;
- (e) 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;

- (f) if any of the above planning condition (a), (b) 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 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 17.2.2025
<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 comment
<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**