

RNTPC Paper No. A/YL-KTN/955 & 957  
For Consideration by the  
Rural and New Town  
Planning Committee  
on 27.10.2023

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

**APPLICATIONS NO. A/YL-KTN/955 and 957**

- Applicants** : Golden Source Enterprises (Application No. A/YL-KTN/955)  
Limited  
  
Mr. Tang Lam Piu (Application No. A/YL-KTN/957)  
  
Both represented by R-riches Property Consultants Limited
- Sites** : Lots 1408, 1409, 1410, 1411, 1420 (Application No. A/YL-KTN/955)  
(Part), 1421 (Part) and 1422 (Part)  
in D.D. 107  
  
Lots 1424 (Part), 1426 (Part), 1427 (Application No. A/YL-KTN/957)  
(Part) and 1428 (Part) in D.D. 107  
and Adjoining Government Land  
  
Kam Tin, Yuen Long, New  
Territories
- Site Areas** : About 5,042 m<sup>2</sup> (Application No. A/YL-KTN/955)  
  
About 2,683m<sup>2</sup> (including (Application No. A/YL-KTN/957)  
Government Land of about 42m<sup>2</sup>)  
(1.6%)
- Leases** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Kam Tin North OZP No. S/YL-KTN/10
- Zoning** : “Agriculture” (“AGR”)
- Applications** : Proposed Temporary Warehouse (excluding Dangerous Goods  
Godown) with Ancillary Facilities for a Period of 3 Years and Filling of  
Land

## 1. The Proposals

1.1 The applicants seek planning permissions to use each of the application sites (the Sites), located adjoining to each other, for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of 3 years and filling of land (**Plan A-1**). The Sites are zoned “AGR” on the Kam Tin North OZP. According to the covering Notes of the OZP, temporary use of 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 Sites are fenced and paved and with some temporary structures and construction materials deposited at the Sites. Part of the Site of Application No. A/YL-KTN/955 is used for parking of vehicles without valid planning permission (**Plans A-2 to A-4c**).

1.2 Major development parameters of the two applications are summarised as follows:

	<b>A/YL-KTN/955</b>	<b>A/YL-KTN/957</b>
Site Area (m <sup>2</sup> )(about)	5,042m <sup>2</sup>	2,683m <sup>2</sup>
No of Structures	9	7
No. of Storey	1	1
Building Height (m)	Not more than 6m	Not more than 7m
Total Floor Area (m <sup>2</sup> )	About 1,836m <sup>2</sup>	About 1,136m <sup>2</sup>
Use of the Structures	<ul style="list-style-type: none"> <li>warehouse (excluding dangerous goods godown)</li> <li>ancillary office</li> </ul>	<ul style="list-style-type: none"> <li>warehouse (excluding dangerous goods godown)</li> <li>ancillary office</li> </ul>
No. of Staff	8	8
Operation Hours (with stationed staff)	9:00 a.m. to 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays	9:00 a.m. to 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays
No. of Private Car Parking Spaces	3	3
No. of Loading/ Unloading Space for Light Goods Vehicles	2	2
No. of Loading/ Unloading Space for Medium Goods Vehicles	1	N/A
Land Filling	Whole site has been filled with concrete by not more than 0.4m in depth (from +9.3mPD/+10.0mPD to +9.5mPD/+10.2mPD)	Whole site has been filled with concrete by not more than 0.2m in depth (from +9.3mPD/+10.0mPD to +9.5mPD/+10.2mPD)

- 1.3 According to the applicants, no workshop, recycling, cleansing, dismantling and other workshop activities will be carried out at the Sites. The Sites are accessible from Shui Mei Road via local track (**Plans A-1 and A-2**). The site layout plans and paving plans submitted by the applicants are at **Drawings A-1 to A-4**.
- 1.4 In support of the applications, the applicants have submitted the following documents:
- (a) Application form (No. A/YL-KTN/955) with **(Appendix Ia)** supplementary information received on 28.8.2023
  - (b) Application form (No. A/YL-KTN/957) with **(Appendix Ib)** supplementary information received on 29.8.2023
  - (c) Further Information (FI) for Application No. A/YL-KTN/955 received on 20.10.2023 and 24.10.2023\* **(Appendix Ic)**
  - (d) FI for Application No. A/YL-KTN/957 received on 24.10.2023\* **(Appendix Id)**
- \* *accepted and exempted from publication and recounting requirements*

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of their applications are detailed in the application forms, supplementary information and FIs at **Appendices Ia to Id**. They can be summarised as follows:

- (a) The proposed developments are temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone. The proposed developments are not incompatible with the surrounding environment. The applicant of Application No. A/YL-KTN/957 will submit application for Short Term Tenancy to Lands Department of the Government land portion upon planning approval has been obtained.
- (b) The proposed developments can meet the pressing demand for warehouse. There are similar applications approved by the Rural and New Town Planning Committee (the Committee) in the vicinity of the Sites within the same “AGR” zone.
- (c) The land filling areas within the Sites are for site formation, parking and loading/unloading space and vehicular circulation purposes to meet the operational needs of the proposed developments. The Sites will be reinstated upon expiry of the planning approvals.
- (d) The proposed developments will not induce adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ by the Environmental Protection Department to

minimise all possible environmental impacts and Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) for sewage treatment.

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

The applicants are not the “current land owner” of their respective lots 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 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notices and sending notices to the Kam Tin Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. Regarding the portion of the Site falling within Government Land for Application No. A/YL-KTN/957, the “Owner’s Consent / Notification” Requirements are not applicable.

### **4. Background**

- 4.1 For Application No. A/YL-KTN/955, the Site is subject to planning enforcement action against Unauthorized Development (UD) involving storage use. Enforcement Notice (EN) for cases Nos. E/YL-KTN/648, E/YL-KTN/650 and E/YL-KTN/651 were issued on 19.7.2023 and EN case No. E/YL-KTN/649 was issued on 7.9.2023 respectively all requiring discontinuation of the UD (**Plan A-2**).
- 4.2 For Application No. A/YL-KTN/957, the Site is subject to planning enforcement action (No. E/YL-KTN/653 and No. E/YL-KTN/654) against UD involving storage use (including deposit of containers) and storage use respectively. ENs were issued on 11.8.2023 requiring discontinuation of the UD (**Plan A-2**).

### **5. Previous Applications**

The southern part of the Site of Application No. A/YL-KTN/957 is involved in three previous applications (No. A/YL-KTN/253, 308 and 324) for temporary animal boarding establishment which are not relevant to the current applications for temporary warehouse uses. Details of the previous applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

### **6. Similar Applications**

- 6.1 There are eleven similar applications (No. A/YL-KTN/709, 824, 852, 890, 898, 904, 905, 920, 937, 938 and 939) (including renewal of temporary planning

approval) for temporary warehouse uses (ten of which with filling of land) within the same “AGR” zone in the vicinity in the past 5 years. All the applications were approved with conditions by the Committee between June 2020 and August 2023 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the development was not incompatible with the surrounding land uses; and relevant departments consulted in general had no adverse comment on the application or their technical concerns could be addressed by relevant approval conditions.

- 6.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

## **7. The Sites and Their Surrounding Areas (Plans A-1 to A-4c)**

- 7.1 The Sites are:

- (a) fenced and paved and with some temporary structures and construction materials deposited at the Sites. Part of the Site of Application No. A/YL-KTN/955 is used for parking of vehicles without valid planning permission; and
- (b) accessible from Shui Mei Road via local track.

- 7.2 The surrounding areas have the following characteristics:

- (a) to the north, west and south are grassland, farmland, open storage/storage yards, residential structures/dwellings (the nearest one at about 20m to the northwest) and vacant land; and
- (b) to the east are woodland, open storage yards and vacant land in “Conservation Area” zone.

## **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, 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 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 departments do not support the application:

### **Agriculture and Nature Conservation**

9.2.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) does not support the applications from agricultural perspective as the Sites possess potential for agricultural rehabilitation;
- (b) the Sites fall within the “AGR” zone and are generally occupied by structures/sundries. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment on the applications from nature conservation perspective.

### **Environment**

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

- (a) does not support application No. A/YL-KTN/955 the applications as there are sensitive receivers, i.e. residential dwellings / structures located in the vicinity and the proposed developments involve the use of heavy vehicles, environmental nuisance is expected;
- (b) no objection to application No. A/YL-KTN/957; and
- (c) there was no environmental complaint case concerning the Sites received in the past three years.

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

The applications were published for public inspection. During the statutory publication period, four public comments from Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Bird Watching Society, the Conservancy Association and an individual were received on Application No. A/YL-KTN/955, and one public comment was received from an individual for Application No. A/YL-KTN/957 (**Appendices Va and Vb**). The commenters object to the respective application mainly on the grounds that the proposed developments are not in line with the planning intention of the “AGR” zone; approval of the application would encourage “destroy first, build later” practices; the Sites would be turned into brownfield use; and the setting of undesirable precedents for similar applications in the area.

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

- 11.1 The applications are for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of 3 years and filling of land at the Sites 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 developments are not in line with the planning intention of “AGR” zone and DAFC does not support the applications from agricultural perspective, taking into account the planning assessments below, the proposed uses on a temporary basis of 3 years could be tolerated.
- 11.2 Filling of land within 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 the Drainage Services Department (CE/MN of DSD) and DEP have no objection to the application from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Sites to an amenity area is recommended should the Committee decide to approve the applications.
- 11.3 The proposed uses are considered not incompatible with the surrounding land uses which are rural in character and intermixed with residential dwellings/structures, open storage/storage yards, farmland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department considers that no significant landscape impact arising from the proposed developments is anticipated.
- 11.4 DEP does not support application No. A/YL-KTN/955 as the use of heavy vehicles would be involved and environmental nuisance is expected. In this regard, the proposed ingress/egress to the Site does not pass through the nearby domestic structures. Besides, according to the applicant, there will be no workshop activities at the Sites. To address DEP’s concerns, relevant approval conditions restricting

the operation hours and prohibiting workshop activities are recommended in paragraph 12.2 below. To minimise any potential environmental nuisances, the applicants will also be advised to follow the revised 'Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites' issued by DEP.

- 11.5 Relevant departments consulted including C for T, CE/MN of DSD and the Director of Fire Services have no objection to or no adverse comment on the applications. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.6 There are eleven approved similar applications as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee's previous decisions.
- 11.7 Regarding the five public comments objecting the applications as mentioned in paragraph 10, the departmental comments and planning assessments as stated 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, the Planning Department considers that the proposed use could be tolerated for a period of 3 years.
- 12.2 Should the Committee decide to approve the applications, it is suggested that the permissions shall be valid on a temporary basis for a period of 3 years until 27.10.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no recycling, cleansing, repairing, dismantling work nor other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) 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 27.4.2024;

- (e) in relation to (d) 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 27.7.2024;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) 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 27.4.2024;
- (h) in relation to (g) 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 27.7.2024;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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;
- (j) if any of the above planning condition (d), (e), (g) or (h) 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
- (k) 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 applications, the following reason for rejection is suggested for Members' reference:

the proposed use 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. It is also intended 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 applications and decide whether to grant or refuse to grant permissions.
- 13.2 Should the Committee decide to approve the applications, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permissions, and the period of which the permissions should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the applications, Members are invited to advise what reason(s) for rejection should be given to the applicants.

### **14. Attachments**

<b>Appendix Ia</b>	Application form (No. A/YL-KTN/955) with supplementary information received on 28.8.2023
<b>Appendix Ib</b>	Application form (No. A/YL-KTN/957) with supplementary information received on 29.8.2023
<b>Appendix Ic</b>	FI for Application No. A/YL-KTN/955 received on 20.10.2023 and 24.10.2023
<b>Appendix Id</b>	FI for Application No. A/YL-KTN/957 received on 24.10.2023
<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 Va</b>	Public comments for Application No. A/YL-KTN/955
<b>Appendix Vb</b>	Public comments for Application No. A/YL-KTN/957
<b>Drawings A-1 &amp; A-2</b>	Site layout plan and paved area ratio plan for Application No. A/YL-KTN/955
<b>Drawings A-3 &amp; A-4</b>	Site layout plan and paved area ratio plan for Application No. A/YL-KTN/957
<b>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a to A-4c</b>	Site photos

**PLANNING DEPARTMENT  
OCTOBER 2023**