

RNTPC Paper No. A/YL-KTN/992  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 5.4.2024

---

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

**APPLICATION NO. A/YL-KTN/992**

**Applicant** : Mr. TANG Lam Piu represented by Mr. TANG Lok San

**Site** : Lots 1244 (Part), 1245 (Part), 1246 (Part) and 1247 (Part) in D.D. 107, Kam Tin, Yuen Long, New Territories

**Site Area** : About 764.7m<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) with Ancillary Facilities for a Period of Three Years and Filling of Land

**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 and filling of land at the application site (the Site), which falls within an area zoned “AGR” on the Kam Tin North OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use of any 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 Site is currently fenced, paved, largely vacant with some temporary structures erected (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed temporary warehouse is intended for storage of construction materials and spare parts. The proposed use involves a single-storey structure for warehouse and ancillary office with a total floor area of about 210m<sup>2</sup> and building height of not more than 8m (**Drawing A-1**). The applicant also applies for regularisation of filling the whole Site with concrete with depths of about 0.2 to 0.3m to a maximum level of +13.7mPD for site formation (**Drawing A-2**). The proposed operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Two parking spaces for private cars and two loading/unloading spaces for light

goods vehicles are proposed on-site. The Site is accessible from Shui Mei Road via a local access. The layout plan and paving plan submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application form with supplementary information received (Appendix I) on 6.2.2024
- (b) Further Information (FI) received on 27.3.2024\* (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, supplementary information and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) A large amount of industrial and warehousing uses had already been changed to other uses or developments. The proposed use is to meet the strong demand for temporary storages. Construction tools (such as waterpipes) and spare parts will be stored in the warehouse. The proposed development is temporary in nature and would not jeopardise the long-term planning intention.
- (b) The proposed use and layout are not incompatible with the surrounding environment. There are similar applications approved in the vicinity of the Site within the same “AGR” zone.
- (c) Metal hoarding has been erected around the Site to avoid disturbance to the watercourse nearby. The applied land filling area is about 3m away from the watercourse. The applicant undertakes to reinstate the Site upon expiry of the planning approval.

## **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 notification letter to the Kam Tin Rural Committee by registered mail. Detailed information would be deposited at the meeting for Member’s inspection.

## **4. Background**

The Site was subject to a planning enforcement case (No. E/YL-KTN/670) against Unauthorised Development (UD) involving storage use and use for place for parking of vehicles. Enforcement Notice was issued on 4.1.2024 requiring discontinuation of the UD. Site inspection on 5.3.2024 revealed that UD was only partially discontinued, prosecution action may be followed.

## **5. Previous Application**

- 5.1 Part of the Site is the subject of a previous application (No. A/YL-KTN/833), which covered a larger site area, for proposed temporary holiday camp and filling of land. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) in June 2022, mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the proposed development was not incompatible with the surrounding land uses; and the departments consulted generally in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The permission was subsequently revoked on 10.12.2022 due to non-compliance with approval conditions.
- 5.2 Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

## **6. Similar Applications**

- 6.1 There are 20 similar applications for temporary warehouse use with filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. All the applications were approved with conditions by the Committee between May 2022 and January 2024 mainly on the considerations that temporary approval would not frustrate the long-term planning intention or the proposed use on a temporary basis could be tolerated; the proposed development was not incompatible with the surrounding land uses; and the departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions. The planning permissions under application No. A/YL-KTN/824 and A/YL-KTN/898 were revoked in February 2024 and January 2024 respectively due to non-compliance with approval conditions.
- 6.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.
- 6.3 Other than the similar applications as stated in paragraph 6.1, applications No. A/YL-KTN/993, 995 and 988 also for the same use as the current application and within the same “AGR” zone will be considered by the Committee at the same meeting.

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

- 7.1 The Site is:
- (a) currently fenced, paved, largely vacant with some temporary structures erected; and
  - (b) accessible from Shui Mei Road via a local access.

- 7.2 The surrounding areas are rural in character intermixed with open storage/storage yards (with a valid planning permission under application No. A/YL-KTN/ 962), warehouses (including sites with valid planning permissions under applications No. A/YL-KTN/920 and 975), grassland, vacant land, residential structures/dwellings, animal boarding establishment (with valid planning permissions under applications No. A/YL-KTN/769 and 775) and a holiday camp (with a valid planning permission under application No. A/YL-KTN/868). To the east adjoining the Site is a nullah.

## **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 “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 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 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 from nature conservation perspective.

## **10. Public Comment Received During Statutory Publication Period (Appendix V)**

The application was published for public inspection. During the statutory publication period, one public comment was received from an individual objecting to the application

mainly on the grounds that the previous planning permission was revoked, and the current application is part of the process to enable the Site for brownfield use.

## **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 and 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 of three 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 and the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area 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 mainly intermixed with open storage/storage yards, warehouses, vacant land and residential structures/dwellings. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant impact on the existing landscape resources within the Site is not anticipated and has no objection to the application from landscape planning perspective.
- 11.4 Other relevant departments including the Commissioner for Transport and the 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’ issued by DEP to minimise any potential environmental nuisances.
- 11.5 There are 20 approved similar applications within the same “AGR” zone in the vicinity in the past five years as stated in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment objecting to the application as 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 in paragraph 10, the Planning Department 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 5.4.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed on the site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, shall be carried out on the site at any time during the planning approval period;
- (c) 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 5.10.2024;
- (d) in relation to (c) 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 5.1.2025;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 5.10.2024;
- (g) in relation to (f) 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 5.1.2025;
- (h) if any of the above planning condition (a), (b), or (e) 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;
- (i) if any of the above planning condition (c), (d), (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; and
- (j) upon the 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 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. No strong planning justification has been 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 supplementary information received on 6.2.2024
<b>Appendix Ia</b>	FI received on 27.3.2024
<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>	Paving plan
<b>Plan A-1</b>	Location plan with previous and similar applications

<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
APRIL 2024**