
SECTION 16 PLANNING APPLICATION

**PROPOSED TEMPORARY OPEN STORAGE OF CONSTRUCTION MATERIALS AND MACHINERY
WITH ANCILLARY FACILITIES AND ASSOCIATED FILLING OF LAND AND POND
FOR A PERIOD OF 3 YEARS IN “AGRICULTURE” ZONE,**

**LOTS 1190 (PART), 1191, 1192, 1193, 1194, 1195, 1196, 1197 RP AND 1198 RP (PART) IN D.D. 109,
KAM TIN, YUEN LONG, NEW TERRITORIES**

PLANNING STATEMENT

Applicant

Ming Lee Foundation Company Limited

Consultancy Team

R-riches Planning Limited

FILE CONTROL

FILE NAME : *DD109 Lot 1190 & VL - Planning Statement (20250610) Ver1.0*

FILE LOCATION : *\\R-SERVER\Planning\Planning Application\DD109 Lot 1190 & VL - Warehouse in KTN (NDA)\Submission (Apr 25)\Planning Statement*

REVISION NO. : *1.0*

APPLICANT : *Ming Lee Foundation Company Limited*

TYPE OF APPLICATION : *S.16 Planning Application*

PROPOSED USE : *Proposed Temporary Open Storage of Construction Materials and Machinery with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years*

SITE LOCATION : *Lots 1190 (Part), 1191, 1192, 1193, 1194, 1195, 1196, 1197 RP and 1198 RP (Part) in D.D. 109*

AMENDMENT RECORD

REVISION NO.	DESCRIPTION	APPROVED BY (Date)	PREPARED BY (Date)
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EXECUTIVE SUMMARY

- The applicant seeks planning permission from the Town Planning Board (the Board) under Section (S.) 16 of the Town Planning Ordinance (Cap. 131) to use *Various Lots in D.D. 109, Kam Tin, Yuen Long, New Territories* (the Site) for '**Proposed Temporary Open Storage of Construction Materials and Machinery with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years**' (the proposed development).
- The Site falls within an area zoned "Agriculture" ("AGR") on the Approved Kam Tin North Outline Zoning Plan (OZP) No.: S/YL-KTN/11. The Site occupies an area of 7,522 m² (about). A single-storey structure is proposed at the Site for site office and washroom uses with total gross floor area (GFA) of 108 m² (about). The remaining area is reserved for area for open storage operations, vehicle parking and loading/unloading (L/UL) spaces and circulation area.
- The Site is accessible from Kam Tin Bypass via Kong Tai Road. The operation hours of the proposed development are Monday to Saturday from 09:00 to 19:00. No operation on Sunday and public holidays.
- Justifications for the proposed development are as follows:
 - the applicant's original premises is affected by Government's land resumption for the development of the Kwu Tung North (KTN) New Development Area (NDA);
 - the applicant has spent effort in identifying suitable sites for relocation;
 - the applied use is the same as the applicant's original premises in Kwu Tung;
 - the proposed development is considered not incompatible with surrounding land uses; and
 - the proposed development is only on a temporary basis, approval of the application will not frustrate the long-term planning intention of the "AGR" zone.
- Details of development parameters are as follows:

Site Area	7,522 m ² (about)
Covered Area	108 m ² (about)
Uncovered Area	7,414 m ² (about)
Plot Ratio	0.01 (about)
Site Coverage	1% (about)
No. of Structure	1
Total GFA	108 m ² (about)
- Domestic GFA	Not applicable
- Non-Domestic GFA	108 m ² (about)
Building Height	4 m (about)
No. of Storey	1

行政摘要 (內文如與英文版本有任何差異，應以英文版本為準)

- 申請人現根據《城市規劃條例》(第 131 章) 第 16 條，向城市規劃委員會提交有關新界元朗錦田丈量約份第 109 約多個地段的規劃申請，於上述地點作「**擬議臨時露天存放建築材料及器材連附屬設施及相關填土及填塘工程 (為期 3 年)**」(擬議發展)。
- 申請地點所在的地區在《錦田北分區計劃大綱核准圖編號 S/YL-KTN/11》上劃為「農業」地帶。申請地盤面積為 7,522 平方米 (約)。申請地點將設一座單層構築物作辦公室及洗手間用途，總樓面面積合共為 108 平方米 (約)，申請地點的其餘地方將預留作露天貯物空間、車輛停泊／上落貨位及流轉空間。
- 申請地點可從錦田繞道經江大路前往。擬議發展的作業時間為星期一至六上午九時至下午七時，星期日及公眾假期休息。
- 擬議發展的申請理據如下：
 - 申請人原來的經營處所受到政府「古洞北新發展區」的收地發展影響；
 - 申請人曾經致力尋找合適的搬遷地點；
 - 申請用途與申請人位於古洞先前受影響的發展場地用途一致；
 - 擬議發展與周邊地方的用途並非不協調；及
 - 擬議發展只屬臨時性質，批出規劃許可不會影響「農業」地帶的長遠規劃意向。
- 擬議發展的詳情發展參數如下：

申請地盤面積：	7,522 平方米 (約)
上蓋總面積：	108 平方米 (約)
露天地方面積：	7,414 平方米 (約)
地積比率：	0.01 (約)
上蓋覆蓋率：	1% (約)
樓宇數目：	1 座
總樓面面積	108 平方米 (約)
住用總樓面面積：	不適用
非住用總樓面面積：	108 平方米 (約)
構築物高度：	4 米 (約)
構築物層數：	1 層

1. INTRODUCTION

Background

- 1.1 **R-riches Planning Limited** has been commissioned by **Ming Lee Foundation Company Limited**¹ (the applicant) to make submission on their behalf to the Board under S.16 of the Ordinance in respect to *Lots 1190 (Part), 1191, 1192, 1193, 1194, 1195, 1196, 1197 RP and 1198 RP (Part) in D.D. 109, Kam Tin, Yuen Long, New Territories (Plans 1 to 3)*.
- 1.2 The applicant would like to use the Site for '**Proposed Temporary Open Storage of Construction Materials and Machinery with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years**'. The Site falls within an area zoned "AGR" on the Approved Kam Tin North OZP No.: S/YL-KTN/11 (**Plan 2**). According to the Notes of the OZP, the applied use is neither Columns 1 nor 2 use within the "AGR" zone, which requires planning permission from the Board.
- 1.3 In support of the proposal, a set of indicative development plans/drawings and supplementary information are provided with the planning statement (**Plans 1 to 11 and Appendices I to II**). Other assessments to mitigate potential adverse impacts will be submitted, if required, at a later stage for the consideration of relevant government bureaux/departments and members of the Board.

¹ **Ming Lee Foundation Company Limited** 明利基礎工程有限公司, the applicant, is the affected business operator. Details of the affected business operator is provided at **Appendix I**.

2. JUSTIFICATIONS

To facilitate the relocation of the applicant's business premises affected by the KTN NDA development

- 2.1 The current application is intended to facilitate the relocation of the applicant's premises in Kwu Tung, i.e. formerly various lots in D.D. 95, due to land resumption and to pave way for the development of the KTN NDA (**Plan 4**). The affected premises currently falls within areas zoned "Open Space" ("O"), "Open Space (1)" ("O(1)") and "Residential (Group A)1" ("R(A)1") on the Approved Kwu Tung North OZP No.: S/KTN/4 (**Plan 5**).
- 2.2 With reference to the implementation programme, the affected premises falls within the land resumption limit for the Remaining Phase Development of the KTN NDA (**Plan 6**). As the affected premises have already been resumed and reverted to the Government, the applicant desperately needs to identify a suitable site for the relocation of the affected business operators in order to continue the business operation.

Applicant's effort in identifying suitable site for relocation

- 2.3 Whilst the applicant has spent effort to relocate the affected premises to a number of alternative sites in the New Territories, those sites were considered not suitable or impracticable due to various issues such as land use incompatibility, environmental concerns, land ownership issue or accessibility (**Appendix II** and **Plan 6**). After a lengthy site-searching process, the Site is identified for relocation as it is relatively flat, easily accessible and not incompatible to surrounding land uses.

Applied use is the same as the affected premises

- 2.4 The proposed development involves the operation of an open storage of construction materials and machinery with ancillary facilities to support the daily operation of the Site. The applied use is the same as the affected premises in Kwu Tung. Details of the difference between the affected business premises and the Site are shown at **Table 1** below.

Table 1 - Difference between the Original Premises and the Site

Tenant	Original Premises (a)	The Site (b)	Difference (b) – (a)
Site Area	5,170 m ²	7,522 m ²	+2,352 m ² , +45%

- 2.5 Although the site area of the Site is larger than that of the affected premises, a significant portion of the Site is uncovered (i.e. 7,414 m² (about); 99% of the Site). The additional space is intended to provide a substantial amount of circulation space within the Site so as to enhance the Site's overall efficiency, as well as to minimise the potential adverse traffic impact to the surrounding road network.

Approval of the application would not frustrate the long-term planning intention of the "AGR" zone

- 2.6 Although the Site situates in an area zoned "AGR", the Site is currently vacant without active agricultural activities (**Plans 2 and 8**). Therefore, approval of the current application on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone and would better utilise deserted land in the New Territories.
- 2.7 Despite the fact that the proposed development is not in line with the planning intention of the "AGR" zone, the special background of the application should be considered on its individual merit, of which the approval of the current application would therefore not set an undesirable precedent for the "AGR" zone.

The proposed development is not incompatible with surrounding land uses

- 2.8 The proposed development situates in a relatively remote area, which is far away from sensitive receivers (**Plans 1, 3 and 8**). The surrounding area is considered to be predominated by vacant/unused land intermixed with residential dwellings, poultry farm and areas for storage/open storage uses. The proposed development is considered not incompatible with surrounding land uses. Upon approval of the current application, the applicant will make effort in complying with approval conditions in relation to fire services and drainage aspects, so as to minimise potential adverse impacts arising from the proposed development.

3. SITE CONTEXT

Site Location

- 3.1 The Site is located approximately 2.2 km northeast of Kam Sheung Road MTR Station; 11.9 km south of Lok Ma Chau Border Control Point; and 19.4 km southwest of the original premises.

Accessibility

- 3.2 The Site is accessible from Kam Tin Bypass via Kong Tai Road (**Plan 1**).

Existing Site Condition

- 3.3 The Site is generally flat, partially covered with temporary structures, and partially covered with vegetation (**Plans 1, 3 and 8**).

Surrounding Area

- 3.4 The Site and its surrounding comprises of vacant/unused land, residential dwellings, temporary structures for various brownfield operations, and areas for storage/open storage uses (**Plans 1, 3 and 8**).
- 3.5 To its north are some unused/vacant land intermixed with vegetations and some temporary structures and residential dwellings.
- 3.6 To its east is Kong Tai Road, across which is a poultry farm in operation.
- 3.7 To its south is Chi Ho Road, across which is a drainage channel and Kam Tai Road.
- 3.8 To its west is a local access. To its further west are some parking of vehicles, temporary structures for brownfield operations, and sites for open storage.

4. PLANNING CONTEXT

Zoning

- 4.1 The Site falls within an area zoned "AGR" on the Approved Kam Tin North OZP No.: S/YL-KTN/11 (**Plan 2**). According to the Notes of the OZP, the applied use is neither Columns 1 nor 2 used within the "AGR" zone, which requires planning permission from the Board.

Planning Intention

- 4.2 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.*

Restriction on Filling of Land and Pond

- 4.3 According to the Remarks of the "AGR" zone on the Approved Kam Tin North OZP No.: S/YL-KTN/11, *any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Kam Tin North OZP No. S/YL-KTN/5 without the permission from the Board under S.16 of the Ordinance.*
- 4.4 According to the Remarks of the "AGR" zone on the Approved Kam Tin North OZP No.: S/YL-KTN/11, *any filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Board under S.16 of the Ordinance.*

Previous and Similar Applications

- 4.5 The Site is not subject of any previous planning application.
- 4.6 Various similar application for/partly for 'Open Storage' use (Nos. A/YL-KTN/906, 962, 965, 994, 1018, 1019, 1040, 1050, 1054 and 1101) have been approved by the Board within the same "AGR" zone on the OZP from 2023 to 2025, which were all approved by the Board on temporary basis for a period of 3 years. As such, the approval of the current application is line with the Board's previous decision and would not set an undesirable precedent within the "AGR" zone.

Town Planning Board Guidelines (TPB PG-No.) 13G

- 4.7 The Site mostly falls within Category 3 area, which are those outside Category 1, 2 and 4 areas (**Plan 7**). Within these areas, "existing" and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications falling within Category 3 areas would normally not be favourably considered unless the applications are on sites with previous approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). In that connection, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, a planning permission could be granted on a temporary basis up to a maximum period of 3 years.
- 4.8 The Site falls within Category 3 area of TPB PG-No. 13G and the proposed development would not generate significant adverse impacts on the surrounding areas (**Plan 7**). In addition, the affected premises have been resumed by the Government to facilitate the KTN NDA development. Approval of the current application is in line with TPB PG-No. 13G and would not set an undesirable precedent within the Category 3 areas. It should be considered on individual merits given the special background of the applicant.

Land Status

- 4.9 The Site falls entirely on private lots, i.e. Lots 1190 (Part), 1191, 1192, 1193, 1194, 1195, 1196, 1197 RP and 1198 RP (Part) in D.D. 109, with total land area of 7,522 m² (about) of Old New Grant Lots and Old Schedule Lot held under Block Government Lease (**Plan 3**).
- 4.10 Given that there is restriction on the erection of structures without prior approval from the Government, the applicant will submit application for Short Term Waiver (STW) to the Lands Department (LandsD) to make way for the erection of the proposed structure at the Site, after planning approval has been obtained from the Board. No structure is proposed for domestic use.

5. DEVELOPMENT PROPOSAL

Development Details

- 5.1 The Site consists of an area of 7,522 m² (about). Details of the development parameters are shown at **Table 2** below.

Table 2 - Development Parameters

Site Area	7,522 m ² (about)
Covered Area	108 m ² (about)
Uncovered Area	7,414 m ² (about)
Plot Ratio	0.01 (about)
Site Coverage	1% (about)
No. of Structure	1
Total GFA	108 m ² (about)
- Domestic GFA	Not applicable
- Non-Domestic GFA	108 m ² (about)
Building Height	4 m (about)
No. of Storey	1

- 5.2 A single-storey structure is proposed at the Site for site office and washroom uses with total GFA of 108 m² (about). The remaining open area is reserved for area for open storage operations, vehicle parking and L/UL spaces and circulation area (**Plan 9**). Details of the proposed structure are shown at **Table 3** below.

Table 3 – Details of the Proposed Structure

Structure	Uses	Covered Area	GFA	Building Height
B1	Site Office and washroom	108 m ²	108 m ²	4 m (about) (1-storey)
Total		108 m² (about)	108 m² (about)	-

Filling of Pond and Land

- 5.3 The applicant intends to fill the existing dried pond (about 630 m²) with soil of not more than 0.5 m in depth. Once the existing dried pond is filled with soil, the entire Site is proposed to be filled with concrete of not more than 0.2 m in depth to provide a relatively flat and solid surface for site formation of structure, open storage operations, vehicle parking and L/UL spaces and circulation area. The existing site levels range from +5.5 mPD

(in the west) to +7.0 mPD (in the east). The proposed site level will be increased to +5.7 mPD (in the west) and +7.2 mPD (in the east). The filling of land at the Site is considered required and has been kept to minimal to meet the operational need. The applicant will reinstate the Site to an amenity area upon expiry of the planning permission.

Operation Mode

- 5.4 The Site will be used as open storage of construction materials and machinery. The area designated for open storage operation is 4,374 m² (about), which accounts for about 58% of the Site (**Plan 9**). The construction materials (e.g. steel beam, bricks, scaffold etc.) and machinery (e.g. mobile cranes, excavators, generators, construction lifts etc.) will be openly stored at the designated area with stacking height of 3 m (about). The operation hours of the proposed development are Monday to Saturday from 09:00 to 19:00. There is no operation on Sunday and public holidays.
- 5.5 It is estimated that the Site would be able to accommodate about 8 staff. The site office is intended to provide indoor workspace for administrative staff to support the daily operation of the Site. As no shopfront is proposed at the Site, visitor is not anticipated.

Minimal Traffic Impact

- 5.6 The Site is accessible from Kam Tin Bypass via Kong Tai Road (**Plan 1**). A 9 m-wide (about) vehicular ingress/egress is proposed at the eastern tip of the Site. A total of 6 parking and L/UL spaces will be provided at the Site (**Plan 9**). Details of the parking and L/UL provision are shown at **Table 4** below.

Table 4 – Provision of Parking and L/UL Spaces

Type of Parking Space	No. of Space
Parking spaces for private car (PC) - 2.5 m (W) x 5 m (L)	4
Type of L/UL Space	No. of Space
L/UL Spaces for container vehicle (CV) - 3.5 m (W) x 16 m (L)	2

- 5.7 Sufficient space is provided for vehicle to manoeuvre smoothly within the Site to ensure that no vehicle will be allowed to queue back to or reverse onto/from the Site to the public road (**Plan 11**). Staff will be deployed to station at the ingress/egress of the Site to direct incoming/outgoing vehicles to enhance pedestrian safety. No vehicle without valid licenses issued under the *Road Traffic (Registration and Licensing of Vehicles) Regulations* are allowed to be parked/stored at the Site at any time during the planning approval period.
- 5.8 The breakdown of estimated trips generation/attraction of proposed development are provided at **Table 5** below.

Table 5 – Estimated Trip Generation /Attraction

Time Period	Estimated Trip Generation/Attraction				
	PC		CV		2-Way Total
	In	Out	In	Out	
Trips at <u>AM Peak</u> (09:00 – 10:00)	3	0	1	0	4
Trips at <u>PM Peak</u> (18:00 – 19:00)	0	3	0	1	4
Average trip per hour (10:00 – 18:00)	0	0	1	1	2

- 5.9 As the numbers of vehicular trip generated/attracted by the proposed development are expected to be minimal, adverse traffic impact to the surrounding road network should not be anticipated.

Minimal Environmental Impact

- 5.10 The applicant will strictly follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department (EPD) to minimise adverse environmental impacts and nuisance to the surrounding areas. The applicant will also comply with all environmental protection/pollution control ordinances, i.e. *Water Pollution Control Ordinance*, *Air Pollution Control Ordinance*, *Noise Control Ordinance* etc. at all times during the planning approval period.
- 5.11 During the construction stage, the applicant will follow the good practices stated in *Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 2/24* to minimise the impact on the nearby watercourse water quality. Surface run-off from the construction phase will be discharged into storm drains through appropriately designed sand/silt removal facilities such as sand traps, silt traps, and sediment basins. Silt removal facilities, channels, and manholes will be maintained, and the deposited silt and grit will be removed on a regular basis, at the start and end of each rain season, to ensure that these facilities are always operational.
- 5.12 The applicant will implement good practices under *ProPECC PN 1/23* when designing on-site drainage system with the Site. Besides, the applicant proposes to provide the septic tank and soakaway system to collect the sewage generated from the proposed development. Noting that the Site is in close proximity to a drainage channel to its south, the design and construction of the septic tank and soakaway system will strictly follow the requirements as stipulated in *ProPECC PN 1/23*. Licensed collectors will be employed to collect and dispose of sewage regularly.
- 5.13 2.5 m-high (about) solid metal fencing will be erected along the site boundary to minimise noise nuisance to the surrounding area. The boundary wall will be installed properly by a

licensed contractor to prevent misalignment of walls, to ensure that there is no gap or slit on the boundary wall. Maintenance will be conducted on a regular basis.

Minimal Landscape Impact

- 5.14 No old or valuable tree has been identified at the Site. Due to the proposed open storage operations and provision of vehicle parking, L/UL and circulation spaces, the majority of the Site will be disturbed. As such, it is not proposed to retain any of the existing vegetation at the Site.

Minimal Drainage Impact

- 5.15 The applicant will submit a drainage proposal to mitigate the potential drainage impact generated from the proposed development after planning approval has been granted by the Board. The applicant will implement the proposed drainage facilities at the Site once the drainage proposal is accepted by the Drainage Services Department or the Board.

Fire Safety Aspect

- 5.16 The applicant will submit a fire service installations (FSIs) proposal for the consideration of the Director of Fire Services to enhance fire safety of the Site after planning permission has been granted from the Board. Upon receiving the STW approval from the LandsD for erection of the proposed structure, the applicant will implement the accepted FSIs proposal at the Site.

6. CONCLUSION

- 6.1 The current application is intended to facilitate the relocation of the affected business premises in Kwu Tung, which will be affected by the KTN NDA development (**Appendix I and Plans 4 and 5**). Whilst the affected business operator attempted to relocate the affected business premises to a number of alternative sites in the New Territories, those sites were considered not suitable or impracticable (**Appendix II and Plan 6**). Given that the relocation is to facilitate the KTN NDA development, approval of the application can facilitate relocation prior to land resumption, thereby minimise the impact on the implementation programme of government development projects.
- 6.2 Although the Site is not in line with the long-term planning intention of the "AGR" zone, the Site is currently vacant without active agricultural activities. Hence, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "AGR" zone and better utilise deserted land in the New Territories.
- 6.3 The Site is surrounded by unused/vacant land, poultry farm, residential dwellings and sites occupied by various brownfield uses. The proposed development is considered not incompatible with the surrounding area. Despite the fact that the Site falls within Category 3 areas under TPB PG-No. 13G, the special background of the application should be considered on its individual merit. Given that various similar applications for the same applied use have been approved by the Board within the same "AGR" zone on the OZP, therefore, approval of the current application would not set an undesirable precedent within the "AGR" zone.
- 6.4 The proposed development will not create significant nuisance to the surrounding areas. Adequate mitigation measures e.g. submission and implementation of FSIs and drainage proposals will be provided upon obtaining planning permission. The applicant will strictly follow the latest '*Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites*' and relevant issued by EPD to minimise all possible environmental impacts on nearby sensitive receivers.
- 6.5 In view of the above, the Board is hereby respectfully recommended to approve the subject application for '**Proposed Temporary Open Storage of Construction Materials and Machinery with Ancillary Facilities and Associated Filling of Land and Pond for a Period of 3 Years**'.

R-riches Planning Limited

June 2025