

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/383

<u>Applicant</u>	:	Hop Fung Iron Works Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Lots 992 and 998 S.B ss.1 in D.D.106, Kam Tin, Yuen Long
<u>Site Area</u>	:	About 3,880m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated 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 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 or building 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 vacant and covered with trees and vegetation, and located within the Shui Lau Tin Site of Archaeological Interest (**Plans A-1, A-3 and A-4**).
- 1.2 According to the applicant, the proposed use is to facilitate the relocation of the applicant’s warehouse and open storage yard at Tong Yan San Tsuen affected by government project, i.e. Yuen Long South (YLS) Development. The site of the affected operation, which involved a site area of about 3,000m², has already been resumed by the Government.

- 1.3 The Site is accessible via a local track leading to Shek Kong Airfield Road (**Plan A-2**), with a 10m-wide ingress/egress at the northern part of the Site. According to the applicant, the proposed use involves one single-storey structure with a height not more than 10m and a total floor area of not more than 2,465m² for warehouse (for storage of construction materials including metal products and sanitary ware), site office and toilet. All storage activities will be kept within the enclosed warehouse structure to minimise the potential impact on the surrounding areas, and no workshop activities will be carried out at any part of the Site. Two parking spaces for private cars and three loading/unloading (L/UL) spaces (two for medium goods vehicles and one for heavy goods vehicles) will be provided at the Site. The proposed operation hours are between 9 a.m. and 7 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays.
- 1.4 The applicant also applies for filling of land for the entire Site with concrete of about 0.2m in depth (to levels ranging from about 14.2mPD to 15.2mPD) for site formation of the structure, vehicular circulation, and parking and L/UL spaces. Among the 85 existing trees within the Site, 82 are proposed to be felled and the remaining three are proposed to be retained. To compensate for the loss of trees, 43 standard trees and 42 whip trees will be planted within the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (**Appendix I**)
15.7.2024
 - (b) Further Information (FI) received on 30.7.2024* (**Appendix Ia**)
 - (c) FI received on 19.11.2024[#] (**Appendix Ib**)
 - (d) FI received on 7.3.2025[#] (**Appendix Ic**)
- *accepted but not exempted from publication and recounting requirements*
[#]accepted and exempted from publication and recounting requirements
- 1.6 On 20.9.2024 and 10.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ic**, and can be summarised below:

- (a) The application is to facilitate the relocation of the applicant's warehouse and open storage yard to a warehouse at the Site. While the original site at Tong Yan San Tsuen has already been resumed by the Government for the implementation of YLS Development, there is an imminent need for the relocation to support the applicant's living. The applicant has undergone a thorough site selection process in identifying suitable sites. Seven potential sites have been identified while all were considered unsuitable due to various reasons, such as land use incompatibility, environmental and traffic concerns, etc.

- (b) While the area of the Site is larger than that of the affected site (about +880m²/+29%), the Site could fit the operational needs of the proposed use. Besides, all storage activities will be kept within an enclosed warehouse to minimise the potential impacts on the surrounding areas.
- (c) The proposed use is temporary in nature and approval of the current application will not jeopardise the long-term planning intention of the “AGR” zone. The proposed use is also not incompatible with the surrounding environment and there are similar applications approved by the Committee in “AGR” zones for relocation purpose.
- (d) No storage of dangerous goods and workshop activities will be carried out at the Site. The proposed use will not create significant adverse traffic, environmental, visual and drainage impacts on the surrounding areas. In support of the application, the applicant has submitted a drainage proposal.
- (e) The applicant has committed to comply with all approval conditions should the application be approved and to follow the latest mitigation measures and requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department (EPD).

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 obtaining consent of the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application within the same “AGR” zone in the past five years.

7. **The Site and Its Surrounding Areas (Plans A-2 to A-4)**

7.1 The Site is:

- (a) accessible from its north via a local track leading to Shek Kong Airfield Road;
- (b) currently vacant and covered with trees and vegetation; and
- (c) located within the Shui Lau Tin Site of Archaeological Interest.

7.2 The surrounding areas are rural in character predominated by open storage yards of construction materials and machineries (approved under application No. A/YL-SK/371), vacant land and a vacant pigsty, residential structures and a plant nursery. Shek Kong Barracks is located to the north of the Site across Shek Kong Airfield Road and the existing 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 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 Relevant Government Bureau/Departments**

9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 to 9.4 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 II and III** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) supports the application from policy perspective subject to no adverse comments on land use compatibility and technical aspects from concerned departments;
- (b) the application is to facilitate relocation of a business operation for construction materials trading in Tong Yan San Tsuen, which is affected by the YLS First Phase Development (the Project); and

- (c) according to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere to pave way for the clearance under the Project, and the Site is the most suitable relocation site. The applicant also claims that the Site, which is larger than the affected site, is the only suitable one identified after a thorough site search and is necessary to accommodate their operational needs.

9.3 The following government bureau provides specific views on the application:

Archaeological Aspects

9.3.1 Comments of the Executive Secretary of Antiquities and Monuments Office, Development Bureau (ES/AMO, DEVB):

- (a) no in-principle objection to the application from archaeological and built heritage conservation perspectives; and
- (b) the Site falls within the Shui Lau Tin Site of Archaeological Interest. The applicant is required to inform AMO immediately when any antiquities or supposed antiquities under the Antiquities and Monuments Ordinance (Cap. 53) are discovered in the course of works.

9.4 The following government departments do not support or have concern on the application:

Agriculture and Nature Conservation

9.4.1 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 abandoned. 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.

Environment

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

- (a) does not support the application from environmental planning perspective as considering the CoP that sensitive receivers (i.e.

residential use) are found in the vicinity of the Site and the proposed use will involve use of heavy vehicles, thus environmental nuisance is expected;

- (b) no comment on the proposed filling of land from environmental planning perspective;
- (c) there was no environmental complaint concerning the Site received in the past three years; and
- (d) advisory comments are detailed at **Appendix III**.

Landscape

9.4.3 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) based on the aerial photo, the Site is located in a rural inland plains landscape character comprising farmlands, vacant land, open storage, temporary structures and scattered tree groups. There is concern that approval of the application would further alter the landscape character of the area;
- (b) it is noted from paragraph 1 of the Compensatory Planting Proposal that 43 standard trees and 42 whip trees are proposed along the application boundary within the Site to mitigate the loss of 82 existing trees (including 20 of invasive species). Significant adverse impact on existing landscape resources is not anticipated; and
- (c) advisory comments are detailed at **Appendix III**.

10. Public Comments Received During Statutory Publication Periods

- 10.1 On 26.7.2024 and 13.8.2024, the application were published for public inspection. During the statutory public inspection periods, a total of 58 public comments were received, including 24 supporting comments, 33 comments raising objection/expressing concerns and one comment without expressing any view.
- 10.2 There are 24 comments submitted by individuals supporting the application mainly on the grounds that there are similar uses in the vicinity; the proposed use can support local construction industry and infrastructure development; and the proposed use can provide employment opportunities (**Appendix IVa**).
- 10.3 33 opposing comments/expressing concerns are received, including one from the Kadoorie Farm & Botanic Garden Corporation, one from the Conservancy Association, and the remaining 31 from individuals (**Appendix IVb**). Their major comments/views are summarised as follows:

- (a) the Site is better to be retained for agricultural use;
- (b) the proposed use is not in line with the planning intention of “AGR” zone, and is not compatible with the surrounding areas;
- (c) approval of the application will encourage similar brownfield uses; and
- (d) there are potential adverse traffic and road safety, public security, environmental, ecological and drainage impacts resulting from the proposed use. Besides, the technical assessments conducted by the applicant are considered not reliable or acceptable.

10.4 There is one comment received from the Chairman of the Yuen Long Town Centre and Rural East Area Committee who does not express any view (**Appendix IVc**).

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 associated filling of land at the Site zoned “AGR” (**Plan A-1**). While 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, according to the applicant, the application is to facilitate the relocation of a business operation affected by the YLS Development. In this regard, having considered the applicant’s justifications that the Site is the most suitable one identified after thorough site search and the larger site area comparing with the affected site is required to fit the operational needs, SDEV supports the application from the perspective of facilitating relocation of business operations affected by YLS Development. Taking into account the above and the planning assessments below, there is no objection to the proposed use on 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 adjacent areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department has no objection to the application from public drainage perspective and DEP has no comment on the proposed filling of land from environmental perspective. 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 in paragraph 12.2 below should the Committee decide to approve the application.
- 11.3 The proposed use is not entirely incompatible with the surrounding areas which are predominated by an approved open storage yards of construction materials and machineries, vacant land and a vacant pigsty, residential structures and a plant nursery. CTP/UD&L, PlanD has concern that approval of the application for warehouse use with felling of 82 existing trees (including 20 of invasive species) within the Site would further alter the landscape character of the area within the “AGR” zone. Notwithstanding this, noting that the applicant has proposed to

plant 43 standard trees and 42 whip trees at the Site for compensation purpose, she advises that significant adverse impact on the existing landscape resources arising from the proposed use is not anticipated.

- 11.4 DEP does not support the application as the proposed use involves traffic of heavy vehicles and there are sensitive receivers of residential structures in the vicinity of the Site. However, the Site is accessible from the north via a local access road directly connecting to Shek Kong Airfield Road without passing through the nearby residential structures (**Plan A-2**), and all storage activities will be kept within the proposed enclosed warehouse structure. In this regard, should the Committee decide to approve the application, the applicant will be advised to follow the revised 'CoP' issued by EPD 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 Other relevant government departments consulted, including the ES/AMO of DEVB, 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 Regarding the public comments objecting to the application as stated 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 2.5.2028. 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 2.11.2025;
- (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 2.2.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the Sites 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 2.11.2025;
- (e) 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 2.2.2026;
- (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 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 III**.

- 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

Appendix I	Application Form with attachments received on 15.7.2024
Appendix Ia	FI received on 30.7.2024
Appendix Ib	FI received on 19.11.2024
Appendix Ic	FI received on 7.3.2025
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendices IVa to IVc	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2025**