

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

**APPLICATION NO. A/YL-SK/413**

<b><u>Applicant</u></b>	:	英盛(合和)工程有限公司
<b><u>Site</u></b>	:	Lot 440 in D.D.112, Shek Kong, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	300m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years 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 and largely vacant. (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Nam Hing West Road via a local track (**Plans A-1 to A-3**). According to the applicant, the proposed use for storage of timber and tools (such as moulds, nails, shovels, etc.) involves two single-storey structures of not more than 4.7m in height and a total floor area of about 201.8m<sup>2</sup> for warehouse and portable toilet (**Drawing A-1**). The applicant also applies for proposed filling of land for about 290m<sup>2</sup> (about 97% of the Site) with concrete of about 0.15m in depth (to a level of about 23.85mPD) for site formation and circulation (**Drawing A-2**). An existing tree will be retained and one parking space for light goods vehicle will be provided within the Site. The existing peripheral fencing along the site boundary will also be retained. No workshop activities will be involved. The proposed operation hours are between 9:00 a.m. and 5:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plans showing the

site layout and land filling area submitted by the applicant are on **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments received on 28.3.2025 and 8.4.2025 (**Appendix I**)
- (b) Further Information (FI) received on 18.7.2025\* (**Appendix Ia**)

*\* accepted and exempted from publication and recounting requirements*

1.4 On 23.5.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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 FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) As the proposed use is of small scale and the anticipated traffic trip rate is minimal, there would be no adverse visual, environmental or traffic impacts. Existing peripheral fencing will be retained to minimise nuisance to the surrounding areas. The Site is located away from the drainage nullah to its north and the drainage facilities would not be affected by the proposed use.
- (b) In support of the application, the applicant has submitted a drainage proposal.

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

The applicant is not the ‘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 from the ‘current land owner’. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. **Background**

The Site is currently not subject to any active planning enforcement action. On 7.12.2022, Enforcement Notice (No. E/YL-SK/249) (**Plan A-2**) against unauthorised development (UD) involving storage use was issued at the Site. Subsequent Reinstatement Notice for removing fill materials and grassing the land was issued on 24.5.2023 and the respective Compliance Notice was issued on 15.1.2024.

## 5. Previous Application

There is no previous application involving the Site.

## 6. Similar Application

There is one similar application No. A/YL-SK/312 for temporary open storage and warehouse uses in the same “AGR” zone in the vicinity of the Site in the past five years, which was rejected by the Committee in 2021 mainly on the grounds that no strong planning justification had been given in the submission for a departure from the planning intention of the “AGR” zone; the application did not comply with the then Town Planning Board Guidelines for Application for Temporary Open Storage and Port Back-up Uses (TPB PG-No. 13F); the applicant failed to demonstrate that the proposed uses would not generate adverse environmental impact on the surrounding areas; and the cumulative effect of approving such similar applications would result in a general degradation of the landscape quality of the area. Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Nam Hing West Road via a local track;
- (b) currently fenced-off and largely vacant; and
- (c) located within the inland area of a farmland cluster intermixed with active/fallow farmland, greenhouses, plant nurseries and scattered residential structures (**Plans A-3 and A-4b**).

7.2 The immediate surrounding areas are rural in character with an intermix of active/fallow farmland, plant nurseries, hobby farm, residential structures, storage yards, vacant pigsty and vacant land. The storage yards to the east and northwest of the Site are suspected UD's without corresponding valid planning permission. To the north of the Site is an existing drainage nullah (**Plan A-2**). To the further southwest about 400m from the Site are village settlements of Lin Fa Tei (蓮花地) within the “Village Type Development” (“V”) zone, and to the further east about 1km from the Site are village settlements of Sheung Tsuen (上村) within the “V” zone (**Plan A-1**).

## 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 Departments**

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 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 at **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 on the application from nature conservation perspective.

- 9.3 The following government department provides views on the application:

### **Local Views**

Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

his office has received a comment from the Village Representatives of Lin Fa Tei objecting to the application mainly on the grounds of adverse traffic and environmental impacts (**Appendix V**).

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

On 11.4.2025, the application was published for public inspection. During the statutory public inspection period, 13 public comments were received, including 11 comments in standard letters from the Pat Heung Rural Committee, the Village Representative and villagers of Sheung Tsuen; one from the Kadoorie Farm and Botanic Garden Corporation; and one from an individual, all objecting to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; there would be potential impacts on the Agricultural Priority Areas; and the proposed use would affect

the nearby drainage nullah and induce adverse environmental, ecological and drainage impacts (**Appendix VI**).

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

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). The proposed use is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as there are active agricultural activities and agricultural infrastructures in the vicinity of the Site and the Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. Taking into account the above and the assessments below, it is considered that no strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.
- 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 drainage and environmental planning perspectives respectively. The submitted drainage proposal is considered acceptable by CE/MN, DSD.
- 11.3 The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that no significant landscape resources are observed within the Site and significant adverse impact on landscape resources within the Site is not anticipated. Nonetheless, the Site is situated within the inland area of a farmland cluster intermixed with active/fallow farmland, greenhouses, plant nurseries and scattered residential structures, whilst the storage yards to the east and northwest of the Site are suspected UD's without valid planning permission. The proposed use with associated filling of land at the Site is considered not compatible with the surrounding land uses. Approval of the current application might attract similar applications within the area and the cumulative impacts of which would result in a general degradation of the rural environment and character of the area.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application.
- 11.5 There is one similar application No. A/YL-SK/312 for temporary open storage and warehouse uses in the same “AGR” zone in the vicinity of the Site in the past five years, which was rejected by the Committee as mentioned in paragraph 6 above. Whilst its consideration of not complying with TPB PG-No. 13 is not applicable to the current application which does not involve open storage use, its considerations of having no strong planning justification and the cumulative effect resulting in general degradation of the area are considered relevant to the current application.

- 11.6 Regarding the local views received by DO(YL), HAD mentioned in paragraph 9.3 and the public comments 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 local views mentioned in paragraph 9.3 and the public comments mentioned in paragraph 10 above, PlanD does not support the application for the following reasons:
- (a) 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
  - (b) the proposed use with associated filling of land is not compatible with the surrounding land uses.
- 12.2 Alternatively, 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 5.9.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval conditions

- (a) the implementation of the accepted 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 5.6.2026;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 5.3.2026;
- (d) in relation to (c) 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 5.6.2026;
- (e) if the above planning condition (b) 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), (c) 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 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**.

### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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

### **14. Attachments**

<b>Appendix I</b>	Application Form with Attachments Received on 28.3.2025 and 8.4.2025
<b>Appendix Ia</b>	FI Received on 18.7.2025
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Local Views Received by DO(YL), HAD
<b>Appendix VI</b>	Public Comments
<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>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2025**