

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/717

Applicant : Yau Tin Pot Cuisine Limited represented by R-riches Planning Limited

Site : Lots 1266 (Part) and 1267 (Part) in D.D. 118, Tai Tong, Yuen Long, New Territories

Site Area : 623 m² (about)

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20

Zoning : “Agriculture” (“AGR”)

Application : Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). According to the Notes of the OZP for the “AGR” zone, filling of land also requires planning permission from the Board. The Site is currently partly vegetated, partly fenced off and paved with storage of construction materials without planning permission (**Plan A-4**).
- 1.2 According to the applicant, the current application is to facilitate the relocation of warehouse that supports the daily operation of the applicant’s pot cuisine (‘poon choi’) business at Lot 5189 (Part) in D.D. 116 in Shap Pat Heung at Yuen Long (the original premises) which will be resumed by the Government to pave way for implementation of public housing development. Although the applicant has submitted a similar application No. A/YL-TT/671 for the same use in the vicinity of the Site, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 4.10.2024 (**Plan A-1**), the site under that application only accounts for 42% (about 476 m²) of the original premises and hence another site is needed to support its operation. The applicant has undergone

a thorough site-selection process before identifying the Site as the most suitable location.

1.3 The Site is accessible from Tai Shu Ha Road West via a local track with an ingress/egress point in the east (**Drawing A-1** and **Plan A-2**). The proposal consists of one single-storey (about 8m in height) warehouse cum site office with a total floor area of not more than 216 m² for storage of miscellaneous goods (including table, chairs, kitchenry and cutlery) (**Drawing A-2**). The applicant also proposes to fill the entire site with concrete with a depth of about 0.2m for site formation of structure, parking and circulation area (**Drawing A-3**). To mitigate potential landscape impacts, the applicant proposes to plant 12 new trees along the southern and western peripheries of the Site (**Drawing A-5**). No storage of dangerous goods would be carried out on the Site. Plans showing the vehicular access, site layout, site paving plan, swept path analysis and landscape proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

1.4 The major development parameters of the application are summarised as follows:

Site Area	about 623 m ²
Extent of Filling of Land	about 623 m ² (in depth of not more than 0.2m)
Total Floor Area	about 216 m ²
No. of Structure (Height)	1 (1 storey, about 8m) for warehouse with office and toilet
No. of Parking Spaces	2 for private car (5m x 2.5m)
No. of Loading/Unloading Space	1 for Light Goods Vehicle (7m x 3.5m)
Operation Hours	9:00 a.m. to 7:00 p.m. daily (including Sundays and Public Holidays)

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

- (a) Application Form with attachments received on 9.7.2025 (**Appendices I and Ia**)
- (b) Further Information (FI) received on 19.9.2025 (**Appendix Ib**)

1.6 On 5.9.2025, the Committee 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 the FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) the applicant has spent efforts on identifying suitable alternative sites for relocating the original premises in various districts (including Kam Tin, Lam Tei, Ngau Tam Mei and Ping Shan, etc.). However, those sites were considered not suitable or impracticable due to various issues including accessibility, environmental concerns and land ownership issues etc.;
- (b) the applicant is a pot cuisine provider which has been serving the community for decades in the New Territories. The proposed use involves the operation of a warehouse for storage of miscellaneous goods with ancillary facilities to support the daily operation of the applicant's business. The proposed development is solely for warehouse purpose, and no cooking or food processing activities will take place at the Site. The proposed use is the same as the affected business operation in Shap Pat Heung;
- (c) the Site is currently vacant without active agricultural activities. Approval of the 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; and
- (d) the surrounding areas of the Site are predominantly rural in character comprising graves, unused/vacant land and dog kennels. The proposed use is considered not incompatible with surrounding land uses.

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 notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

There are five similar applications (No. A/YL-TT/575, 608, 648, 651 and 671) for temporary warehouse for a period of three years with/without associated filling of land within the same "AGR" zone in the past five years. All the applications were approved with conditions by the Committee between 2022 and 2024 mainly on the considerations that the temporary use would not jeopardise the long-term planning intention of the "AGR" zone; being not incompatible with the surrounding uses; having policy support (for applications No. A/YL-TT/575, 608 and 651) and the departmental concerns could

be addressed by implementation of approval conditions. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently partly vegetated, partly fenced off and paved with storage of construction materials without planning permission; and
- (b) accessible from Tai Shu Ha Road West via a local track.

7.2 The surrounding areas are rural in character comprising predominantly farmland, graves, vacant/unused land and an animal boarding establishment covered by a valid planning permission (No. A/YL-TT/616).

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 in the subject “AGR” zone.

9. Comments from Relevant Bureau/Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other bureau/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

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

- (a) the Site falls within the “AGR” zone and is vacant. There are active agricultural activities 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 greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and
- (b) no adverse comment from nature conservation point of view.

10. Public Comment Received During the Statutory Publication Period

On 18.7.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received. The Nam Hang Tsuen village representative supports the application as the proposal would optimise land utilisation and create job opportunities to the locals; and would not adversely affect the surrounding areas (**Appendix V-a**) while one individual and Kadoorie Farm & Botanic Garden Corporation object to the application on the grounds that the Site is located on the fringe of “Conservation Area” zone; the applicant’s business has already been relocated to another site under planning application No. A/YL-TT/671 and the proposal is not in line with the policy intention of the Agricultural Priority Area (**Appendix V-b**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. 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 mainly on consideration that the Site possesses potential for agricultural rehabilitation. Nevertheless, according to the applicant, the business operation is affected by land resumption for the public housing development near Shap Pat Heung in Yuen Long. Although a planning application (No. A/YL-TT/671) has previously approved by the Committee to facilitate the relocation of such operation, the site under that application only accounts for 42% (476 m²) of the original premises. Hence, the Site is identified to support to the daily operation of the applicant’s pot cuisine business. Having taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 11.2 The application also involves filling of land for the entire site (i.e. 623 m²) with concrete with a depth of not more than 0.2m. Filling of land within 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 Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. 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 should the Committee decide to approve the application.
- 11.3 The proposed use is considered not entirely incompatible with the surrounding areas comprising predominantly farmland, graves, vacant/unused land and an animal boarding establishment covered by valid planning permission (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 11.4 Other concerned government departments consulted, including the Commissioner for Transport, Director of Fire Services and DAFC have no objection to/no adverse comment on the application from traffic, fire safety and natural conservation

aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.

- 11.5 Five similar applications were approved by the Committee between 2022 and 2024. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 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 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 7.11.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 7.5.2026;
- (b) in relation to (a) 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 7.8.2026;
- (c) in relation to (b) above, the implemented drainage facilities 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 7.5.2026;
- (e) in relation to (d) 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 7.8.2026;
- (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 application site, including the removal of fill materials and hard paving and grassing of the application 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**.

- 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 "Agriculture" 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.

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

Appendices I and Ia	Application Form with attachments received on 9.7.2025
Appendix Ib	FI received on 19.9.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-a and V-b	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Site Paving Plan
Drawing A-4	Swept Path Analysis
Drawing A-5	Landscape Plan
Plan A-1	Location Plan with Similar Applications

Plan A-2

Site Plan

Plan A-3

Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**