

Extract of Minutes of the RNTPC Meeting held on 14.10.2022

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/443 Proposed Temporary Open Storage of Building Materials for a Period of 3 Years in “Green Belt” Zone, Lot 2842 RP in D.D.129, Sha Kong Wai, Lau Fau Shan, Yuen Long

(RNTPC Paper No. A/YL-LFS/443)

Presentation and Question Sessions

145. With the aid of some plans, Mr Keith P.S. Wong, TP/TMYLW, briefed Members on the background of the application, the proposed use, departmental and public comments, and the planning considerations and assessments as detailed in the Paper. The Planning Department did not support the application.

146. In response to a Member’s enquiry on whether the application site was previously zoned “Residential (Group C)” on the Outline Zoning Plan, Mr Keith P.S. Wong, TP/TMYLW, clarified that the subject site had all along been zoned “Green Belt”.

Deliberation Session

147. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed use is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed use is not in line with the Town Planning Board Guidelines for ‘Application for Development within the Green Belt zone under Section

16 of the Town Planning Ordinance' (TPB PG-No. 10) in that the proposed use is considered not compatible with the surrounding areas, and the applicant fails to demonstrate that the proposed use would not have significant adverse environmental and landscape impacts on the surrounding areas;

- (c) the proposed use is not in line with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13F) in that the site falls within Category 4 areas and there is no previous planning approval for open storage use; and there are adverse departmental comments on environmental and landscape aspects; and
- (d) approval of the application would set an undesirable precedent for similar applications for open storage use within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area."

傳 真 Fax: 2877 0245 / 2522 8426

By Post & Fax

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-LFS/443

28 October 2022

Hing Yip Realty Advisory Ltd.

Dear Sir/Madam,

**Proposed Temporary Open Storage of Building Materials for a Period of 3 Years in
“Green Belt” Zone, Lot 2842 RP in D.D.129, Sha Kong Wai, Lau Fau Shan, Yuen Long**

I refer to my letter to you dated 5.10.2022.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the proposed use is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use is not in line with the TPB Guidelines for ‘Application for Development within the Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed use is considered not compatible with the surrounding areas, and you fail to demonstrate that the proposed use would not have significant adverse environmental and landscape impacts on the surrounding areas;
- (c) the proposed use is not in line with the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13F) in that the site falls within Category 4 areas and there is no previous planning approval for open storage use; and there are adverse departmental comments on environmental and landscape aspects; and
- (d) approval of the application would set an undesirable precedent for similar applications for open storage use within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

A copy of the TPB Paper in respect of the application is available at TPB website at this link (https://www.info.gov.hk/tpb/en/meetings/RNTPC/Agenda/705_rnt_agenda.html). The relevant extract of minutes of the TPB meeting held on 14.10.2022 is enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 18.11.2022). I will then contact you to arrange a hearing before the TPB which you and/or your authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Mr. Eric Chiu of Tuen Mun & Yuen Long West District Planning Office at 2158 6288.

Yours faithfully,



(Leticia LEUNG)

for Secretary, Town Planning Board



興業

Hing Yip Realty Advisory Limited

Hing Yip Credit Limited

興業房產顧問有限公司

興業信貸有限公司

October 31, 2022

Your Ref. TPB/A/YL-LFS/443

Town Planning Board
15/F North Point Government House
333 Java Road
Attn: Leiticia Leung

Dear Ms Leung,

Re: DD129 Lot 2842 RP (Case: TPB/A/YL-LFS/443)

I am writing to appeal the proposal with the reference number TPB/A/YL-LFS/443 not being accepted. Now I seek you to review our application on below 3 grounds

1. Locations under green belt in Tin Shui Wai and Lau Fou Shan is with lots of the logistic use, the temporary structure is very common. Land being occupied by this logistic use with temporary structure of Green Belt zone is found very common all the years before and present.
2. Our application is in temporary nature with public use. This minor relaxation of the use of Green Belt, the % of the space is under 10% of the land. The application of such space is covered area in temporary nature which are for the public toilets among other minor changes of use like the security guard. Public toilets are in the benefits of the visitors in need, with physical needs and environmental reasons to justify.
3. Logistic business in Yuen Long is one highly important for the overall transport system and the commodity chain of HK last few years up to 5 years ahead especially with the endorsement of new infrastructures announced by the new Policy Address this month. To give this support of a relaxation and a minor change of less than 10% is seen with policy support for the overall objectives of logistic hub fostered for HK being in line with a continuous policy consistency of the Government.

I thank you very much for your kind attention in the above matter and look forward to hearing from you.

With regards,

Alan Choy

香港中環德輔道中46-48號豐明行22樓

22/F., Winning Centre, 46-48 Wyndham Street, Central, Hong Kong

Tel: 3622 8000 Fax: 3622 8008 Email: info@hyr.com.hk Website: www.hingyipgroup.com

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RE: DD129 Lot 2842 RP (Case: TPB/A/YL-LFS/443)

04/01/2023 16:20

From: Mincy Wong [REDACTED]
To: [REDACTED], "tpbpd@pland.gov.hk"
<tpbpd@pland.gov.hk>

History: This message has been forwarded.

Dear Mr. Wong,
As the installation of public toilet is withdrawn, as such, the proposed scheme under review is the same as said under Section 16 application.

Dear Mr. Kowk and Miss Leung (TPB),
For your information, the applicant decided not to include installation of public toilets in the application now, so our proposed scheme is the same as that described in Section 16.

Thank you!

Best regards,
Mincy Wong
Leasing Assistant Manager
Hing Yip Realty Advisory Limited
Tel.: [REDACTED] | Mobile: [REDACTED]
Email: [REDACTED]

From: [Mincy Wong](#)
Sent: Wednesday, January 4, 2023 4:05 PM
To: [REDACTED]
Subject: DD129 Lot 2842 RP (Case: TPB/A/YL-LFS/443)

Dear Mr. Wong,

Regarding the point of installation of public toilets in the response letter from us dated on October 31, 2022, our applicant decided to withdraw this suggestion in our application.

Thank you!

Best regards,
Mincy Wong
Leasing Assistant Manager
Hing Yip Realty Advisory Limited
Tel.: [REDACTED] | Mobile: [REDACTED]
Email: [REDACTED]

Previous s.16 Applications covering the Application Site

Approved Applications

	Application No.	Applied Use(s)/Development(s)	Zoning(s)	Date of Consideration (RNTPC)
1	A/YL-LFS/9	Pond Filling for Agricultural Use (Fruit Tree Plantation)	GB & R(C)	23.8.1996
2	A/YL-LFS/39	Recreational Uses including Barbecue Spot, Playground, Refreshment Kiosk, Visitor Centre, Public Car Park and Ancillary Uses	GB & V	14.5.1999

Similar s.16 Applications within/straddling the same “Green Belt” (“GB”) Zone on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan in the past 5 years

Rejected Applications

	Application No.	Applied Use(s)/Development(s)	Zoning(s)	Date of Consideration (RNTPC)	Rejection Reasons
1	A/YL-LFS/346	Proposed Temporary Warehouse (Storage of Machinery and Crops), Open Storage (Wood, Sheet Metal and Excavator) and Agricultural Use for a Period of 3 Years	GB	16.8.2019	1, 3-6
2	A/YL-LFS/358	Temporary Open Storage of Construction Materials for a Period of 3 Years	GB & O(1)	6.3.2020	1, 3-4, 6
3	A/YL-LFS/373	Proposed Temporary Open Storage of Vehicle Parts for a Period of 3 Years	GB & Road	20.11.2020	1, 3-4, 6
4	A/YL-LFS/416	Temporary Open Storage of Containers, Metal Wares, Construction and Industrial Equipment and Machineries for a Period of 3 Years and Filling of Land	R(E) & GB	14.1.2022	1-4

Rejection Reason(s):

1. Not in line with the planning intention of the “GB” zone.
2. Not in line with the planning intention of the “R(E)” zone.

3. Not in line with the TPB PG-No. 10.
4. Not in line with the TPB PG-No. 13E / 13F.
5. Failure to demonstrate no adverse landscape and traffic impacts.
6. Setting undesirable precedent.



嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

2nd December, 2022.

By email only

Dear Sir/ Madam,

Proposed Temporary Open Storage of Building Materials for a Period of 3 Years
(A/YL-LFS/443)
(Review under Section 17)

1. We refer to the captioned.
2. We urge the Board to reject this application as the proposed use is not in line with the planning intention of the Green Belt (GB) zone. We also urge the Board to consider the potential cumulative impact on the GB zone of approving this application as the approval would set a precedent for similar applications.
3. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden



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Re: AYL-LFS/443 DD 129 Sha Kong Wai GB
02/12/2022 01:37

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
File Ref:

Dear TPB Members,

As can be ascertained from the Minutes of 14 October, there is absolutely no justification to the review.

Open storage on GB with no previous history of approval would set a very undesirable precedent.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Friday, 30 September 2022 1:56 AM CST
Subject: AYL-LFS/443 DD 129 Sha Kong Wai GB

AYL-LFS/443

Lot 2842 RP (Part) in D.D.129, Sha Kong Wai, Lau Fau Shan

Site area : About 2,450 sq.m

Zoning: "Green Belt"

Applied use: Open Storage of Building Materials / 6 Vehicle Parking

Dear TPB Members,

You recently approved an amended site for Tin Shui Wai Greenfield Garden, Application 424 on adjoining lots. This is described as an organic farm, barbecue site, education and visitor centre, leisure activity area and ancillary facilities.

It is inappropriate to allow open storage of construction materials so close to a large recreation facility.

The operation would create environmental issues that are not acceptable so close to the pond and the supporting facilities that attract many visitors.

Mary Mulvihill

就規劃申請/覆核提出意見 Making Comment on Planning Application / Review

參考編號

Reference Number:

221121-162943-69303

提交限期

Deadline for submission:

02/12/2022

提交日期及時間

Date and time of submission:

21/11/2022 16:29:43

有關的規劃申請編號

The application no. to which the comment relates:

A/YL-LFS/443

「提意見人」姓名/名稱

Name of person making this comment:

先生 Mr. Lam Ka Hing

意見詳情

Details of the Comment :

反對，郊區設倉庫及工場必會增加附近車輛出入流量，引至附近交通阻塞、環境污染，增加引發火警危機，影響村民安全及生活質數。

Recommended Advisory Clauses

- (a) the planning permission is given to the development/use under application. It does not condone any other development/use (i.e. parking of vehicles) which currently exists on the Site but not covered by the application. Immediate action should be taken to discontinue such development/use not covered by the permission;
- (b) to note that the Site might be resumed at any time during the planning approval period for implementation of government projects;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that:-
 - (i) the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government; and
 - (ii) the lot owner of the lot will need to immediately apply to LandsD for permitting the structures to be erected or to regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent and fee, as may be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport (C for T) that the local track leading to the Site is not under Transport Department (TD)'s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that:
 - (i) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains; and
 - (ii) the access road connecting the Site with Tin Wah Road is not and will not be maintained by his office. His office should not be responsible for maintaining any access connecting the Site with Tin Wah Road;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant shall follow the relevant mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any potential environmental nuisance;
- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to the Fire Services Department (FSD) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where

the proposed FSI to be installed should be clearly marked on the layout plans. Good practice guidelines (Appendix VII of **Annex A**) for open storage should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - (ii) the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - (iii) if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Building Authority (BA), they are unauthorised building works (UBW) under BO and should not be designated for any proposed use under application;
 - (iv) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (v) before any new building works (including containers / open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (vi) any temporary shelters or converted containers for office, storage, washroom or other uses that are considered as temporary buildings are subject to the control of Part VII of the B(P)R; and
 - (vii) detailed checking under the BO will be carried out at building plan submission stage.