

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1178

- Applicant** : 駿誠(香港)有限公司
- Site** : Lots 558 S.A, 558 S.B ss.1 S.A, 558 S.B ss.1 RP, 558 S.B ss.2, 561 S.A, 561 S.B ss.1 and 561 S.B ss.2 in D.D. 128 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : About 17,488m² (including GL of about 180m², or 1%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Green Belt” (“GB”)
- Application** : Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials for a period of three years and associated filling of land at the application site (the Site) zoned “GB” 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). According to the Notes of the OZP for the “GB” zone, filling of land also requires planning permission from the Board. The Site is currently largely formed and occupied by some temporary structures, partly used for various open storage uses without valid planning permission and partly vacant (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track leading from Deep Bay Road (**Plans A-2 and A-3a**). As shown on the proposed layout plan at **Drawing A-1**, the Site is mainly for open storage use (about 9,488m², or 54% of the Site) and 12 structures with a total floor area of about 480.5m² and a building height of not more than 3m (1 storey) for site office, storage, washroom, changing room and shelter uses are proposed. Five loading/unloading spaces for light goods vehicles will be provided.

- 1.3 As shown on the tree preservation and landscaping proposal (**Drawing A-3**), out of the 34 trees on the Site, 26 will be preserved and eight will be felled. 20 new trees will be planted on the western periphery of the Site. According to the applicant, the operation hours will be from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. No workshop activity will be involved at the Site and no medium or heavy goods vehicle will be used.
- 1.4 The applicant also seeks planning permission to regularise the land filling works at part of the Site. As shown on the land filling plan at **Drawing A-2**, about 2,575m² (or 15% of the Site) has been filled with concrete of about 0.1 to 0.2m in depth.
- 1.5 The proposed layout plan, land filling plan, tree preservation and landscaping proposal and drainage layout plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.6 The Site was involved in four previous applications, including two applications (No. A/YL-HT/42 and A/YL-HT/967) involving open storage and recyclable collection centre uses which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1998 and 2015 respectively (details at paragraph 6 below).
- 1.7 In support of the application, the applicant submitted the following documents:
- (a) Application Form with Attachments received on (**Appendix I**)
15.8.2024
 - (b) Supplementary Information (SI) received on (**Appendix Ia**)
20.8.2024
 - (c) Further Information (FI) received on 10.9.2024* (**Appendix Ib**)
 - (d) FI received on 13.9.2024* (**Appendix Ic**)

**accepted and exempted from publication and
recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form with attachments, SI and FI at **Appendices I, Ia and Ic** respectively. They can be summarised as follows:

- (a) The current application is to facilitate relocation of an existing operation which is affected by the first phase development of the Kwu Tung North and Fanling North New Development Areas (KTN and FLN NDAs). The Site is identified as the most suitable relocation site after extensive site search by the applicant.
- (b) No adverse traffic and environmental impacts are anticipated.
- (c) The proposed use is temporary in nature and will not jeopardise the long-term

planning intention of the Site.

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 publishing newspaper notices and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31B are not applicable to the GL portion.

4. Background

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

5. Town Planning Board Guidelines

- 5.1 The Town Planning Board Guidelines for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) are relevant to the application. Relevant assessment criteria are at **Appendix II**.
- 5.2 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated on 14.4.2023 are also relevant to the application. The Site falls within Category 4 areas under TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix III**.

6. Previous Applications

- 6.1 The Site is involved in four previous applications for open storage, racing circuit, recyclable collection centre as well as hobby farm, barbecue site and holiday camp uses. Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

Approved Application

- 6.2 Application No. A/YL-HTF/1151 for temporary place of recreation, sports or culture (hobby farm and barbecue site) and holiday camp with ancillary facilities and associated filling of land, which was submitted by the same applicant as the current application with the same extent of land filling works, was approved with conditions by the Committee in 2023. The considerations of the application are not relevant to the current application, which involves a different use.

Rejected Applications

- 6.3 Application No. A/YL-HT/42 for temporary open storage of building materials was rejected by the Committee in 1998 mainly on the grounds of being not compatible with the surrounding areas and insufficient information in the submission to demonstrate that the development would not have adverse traffic and drainage impacts on the surrounding areas.
- 6.4 Application No. A/YL-HT/967 for temporary recyclable collection centre, the nature of which was akin to open storage use, was rejected by the Committee in 2015 mainly on the grounds of being not compatible with the surrounding areas; not in line with TPB PG-No. 10 in that the development would affect the natural landscape; and not in line with the then TPB PG-No. 13E in that no previous approval has been granted for the site and the applicant failed to demonstrate that the development would not have adverse drainage, landscape and environmental impacts.
- 6.5 Application No. A/YL-HT/414 for temporary racing circuit covering a much larger area was rejected by the Committee in 2005. The considerations of the application are not relevant to the current application, which involves a different use.

7. Similar Application

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

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

8.1 The Site is:

- (a) largely formed¹, partly used for various open storage uses and occupied by temporary structures, and partly vacant; and
- (b) accessible via a local track leading from Deep Bay Road.

8.2 The surrounding areas are predominated by woodland and ponds intermixed with vacant land and open storage yards which are suspected unauthorized developments (UDs) subject to planning enforcement action.

9. Planning Intention

9.1 The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban

¹ Part of the Site was formed back in 1990, before the Ha Tsuen Interim Development Permission Area (IDPA) Plan was gazetted on 17.8.1990 (**Plan A-3b**). Filling of land at part of the Site was also permitted under application No. A/YL-HTF/1151.

sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

- 9.2 According to the Explanatory Statement of the OZP for the “GB” zone, as filling of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government departments as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices V and VI** respectively.

- 10.2 The following government departments have adverse comments on the application:

Traffic

- 10.2.1 Comments of the Commissioner for Transport (C for T):

- (a) as the open storage area is about 1 ha which is relatively large, traffic assessment shall be conducted to examine the potential traffic impact arising from the proposed development; and
- (b) the applicant shall advise the amount of construction materials stored at the Site and show the build-up of the estimated traffic generation and attraction arising from the proposed operation in the traffic assessment.

Drainage

- 10.2.2 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

Drainage Impact Assessment (DIA) is required for the application.

Landscaping

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

- (a) according to the aerial photo of 2023 (**Plan A-3a**), the Site is situated in an area of rural landscape character predominated by woodland, scattered tree groups, ponds and village houses. Based on the site photos dated August 2024, the northern portion of the Site is hard paved with temporary structures and the

southern portion of the Site is covered by bare soil and existing trees/vegetation; and

- (b) the proposed development is next to existing woodland within the same “GB” zone and existing ponds are located within the adjacent “Coastal Protection Area” (“CPA”) zone and in close proximity to the Site. There is also no similar application for temporary open storage use previously approved in the same “GB” zone. Even though the applicant has proposed to plant 20 new trees and preserve 26 existing trees within the Site (**Drawing A-3**), the proposed development is considered incompatible with the surrounding landscape resources (woodland) and landscape character (rural landscape) from the landscape planning perspective.

11. Public Comments Received During the Statutory Publication Period

On 23.8.2024, the application was published for public inspection. During the statutory public inspection period, three public comments from The Conservancy Association, Kadoorie Farm and Botanic Garden as well as an individual was received (**Appendix VIII**) objecting to the application on the grounds that the Site is located within the “GB” zone and the proposed use is not in line with the planning intention of the “GB” zone; adverse environmental impacts may be generated; the Site is the subject of a previously rejected application for temporary recyclable collection centre use; and the proposed use is not in line with TPB PG-No. 13G.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials for a period of three years and associated filling of land at the Site zoned “GB” on the OZP. There is a general presumption against development within the “GB” zone. The proposed use with associated filling of land is not in line with the planning intention of the “GB” zone. There is no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis.
- 12.2 Filling of land within the “GB” zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In this regard, while the Director of Agriculture, Fisheries and Conservation has no comment on the application, CE/MN, DSD advises that a DIA, which has not been submitted in the application, is required.
- 12.3 The Site is situated in an area of rural landscape character predominated by woodland and ponds. While there are open storage yards in the vicinity of the Site, they are suspected UD's subject to planning enforcement action. The proposed use is considered incompatible with the surrounding areas.

- 12.4 The Site falls within Category 4 areas under TPB PG-No. 13G in which applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. While the applicant claims that the application is to facilitate the relocation of an operation affected by the KTN and FLN NDAs development, TPB PG-No. 13G stipulates that sympathetic consideration may only be given to such type of application in areas excluding Category 4 areas. The application is considered not in line with TPB PG-No. 13G in that no previous approval for the proposed use has been granted at the Site and there are adverse departmental comments on traffic, drainage and landscape aspects. Furthermore, C for T and CE/MN, DSD advises that traffic assessment and DIA are required respectively in support of the application. However, the applicant has not submitted the assessments to address the departmental comments. Regarding the landscape aspect, although the applicant has proposed to plant 20 new trees and preserve 26 existing trees on the Site, CTP/UD&L, PlanD considers that the proposed use is incompatible with the surrounding landscape resources and character from the landscape planning perspective. The applicant fails to demonstrate that the proposed use with filling of land will not have adverse traffic, drainage and landscape impacts on the surrounding areas.
- 12.5 According to TPB PG-No. 10, there is a general presumption against development in the “GB” zone and application for new development will only be considered in exceptional circumstances and must be justified with very strong planning grounds. In addition, the design and layout of any proposed development within the “GB” zone should be compatible with the surrounding areas; the development should not involve extensive clearance of existing natural vegetation and affect the existing natural landscape; and the development should not overstrain the capacity of existing and planned infrastructure such as roads nor adversely affect drainage or aggravate flooding in the area. The issue of compatibility has been discussed in paragraph 12.3 above. CTP/UD&L, PlanD, C for T and CE/MN, DSD also raise adverse comments on the application from landscape, traffic and drainage perspectives as detailed in paragraph 12.4 above. In view of the above, the application is considered not in line with TPB PG-No. 10.
- 12.6 Other relevant government departments, including the Director of Environmental Protection, Director of Fire Services and Head of the Geotechnical Engineering Office, Civil Engineering and Development Department, have no objection to or no adverse comment on the application from environmental, fire safety and geotechnical perspectives respectively.
- 12.7 The Site was involved in two previous applications involving open storage and recyclable collection centre uses which were rejected by the Committee in 1998 and 2015 respectively mainly on grounds as summarised in paragraphs 6.3 and 6.4 above. Rejecting the current application is generally in line with the previous decisions of the Committee.
- 12.8 Regarding the public comments objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 above are relevant.

13. **Planning Department's Views**

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department 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 “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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use with associated filling of land is not in line with the Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) in that the applicant fails to demonstrate that the proposed use with associated filling of land would not have adverse traffic, drainage and landscape impacts on the surrounding areas; and
- (c) the proposed use with associated filling of land is not in line with the Town Planning Board Guidelines for ‘Application for Development within Green Belt zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed use with associated filling of land is incompatible with the surrounding areas and may cause adverse traffic, drainage and landscape impacts.

13.2 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 4.10.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a traffic assessment within **6 months** from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by **4.4.2025**;
- (b) in relation to (a) above, the implementation of the mitigation measures identified in the traffic assessment within **9 months** from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by **4.7.2025**;
- (c) the submission of a drainage impact assessment 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 **4.4.2025**;

- (d) in relation to (c) above, the implementation of the mitigation measures identified in the drainage impact assessment 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 **4.7.2025**;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) the provision of fire extinguisher(s) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.11.2024**;
- (g) 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 **4.4.2025**;
- (h) in relation to (g) 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 **4.7.2025**;
- (i) if the above planning condition (e) 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;
- (j) if any of the above planning condition (a), (b), (c), (d), (f), (g) or (h) 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
- (k) 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 attached at **Appendix VI**.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 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.

15. Attachments

Appendix I	Application Form with Attachments received on 15.8.2024
Appendix Ia	SI received on 20.8.2024
Appendix Ib	FI received on 10.9.2024
Appendix Ic	FI received on 13.9.2024
Appendix II	Relevant Extract of TPB PG-No. 10
Appendix III	Relevant Extract of TPB PG-No. 13G
Appendix IV	Previous Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VIII	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Tree Preservation and Landscaping Proposal
Drawing A-3	Land Filling Plan
Drawing A-4	Proposed Drainage Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**