

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1179

- Applicant** : First Champion Limited represented by R-riches Property Consultants Limited
- Site** : Lot 385 RP (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,514m² (including GL of about 147m², or 4%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Materials and Machinery and Storage of Tools and Parts 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 open storage of construction materials and machinery and storage of tools and parts with ancillary facilities for a period of three years and associated filling of land 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 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 “AGR” zone, filling of land also requires planning permission from the Board. The Site is currently vacant and mainly covered by vegetation (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the application is to facilitate the relocation of an existing open storage and storage operation spanning a total area of about 27,176m² at various lots in D.D. 124, Hung Shui Kiu affected by the land resumption and clearance exercise under the Second Phase Development of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). Thus, there is an imminent need for the applicant to secure a relocation site to continue the affected operation.

1.3 The Site is accessible via a local track leading from Kai Pak Ling Road (**Plans A-2 and A-3**). According to the applicant, the Site is mainly for open storage of construction materials and machinery (about 2,196m² or 62.5%) and one single-storey structure with a floor area of about 18m² would be erected for storage of tools and parts as well as office and washroom uses. In addition, land filling works with a depth of not more than 0.2m using concrete will also be carried out at the entire Site to facilitate the open storage use, site formation of structure and provision of vehicular parking and circulation spaces. While nine trees (including three dead trees) will be felled/removed, the applicant will retain the remaining nine existing trees and plant nine new trees, as well as provide solid metal fencing along the site boundary to mitigate the potential landscape and environmental impacts. The proposed layout plan, land filling plan, landscape plan and vehicular access plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

Site Area	about 3,514m ² (including GL of about 147m ²)
Extent of Filling of Land¹	about 3,514m ² (i.e. the entire Site, with a depth of not more than 0.2m)
Total Floor Area	about 18m ²
No. of Structure	1 (for storage, office and washroom uses)
Height of Structure	3m (1 storey)
Parking Space	1 for private car (5m x 2.5m)
Loading/unloading Space	1 for container vehicle (16m x 3.5m)
Operation Hours	8:00 a.m. to 7:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays

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

- (a) Application Form received on 9.9.2024 (Appendix I)
- (b) Planning Statement (Appendix Ia)
- (c) Supplementary Information (SI) received on 13.9.2024 (Appendix Ib)
- (d) Further Information (FI) received on 22.10.2024* (Appendix Ic)
- (e) FI received on 7.11.2024[#] (Appendix Id)

**accepted but not exempted from publication and recounting requirements*

[#]accepted and exempted from publication and recounting requirements

¹ The extent is indicative only and may be adjusted as appropriate.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement, SI and FIs at **Appendices Ia to Id**. They can be summarised as follows:

- (a) The current application aims to facilitate the relocation of an existing open storage and storage operation (i.e. Sum Kee Metal Company Limited²) affected by the Second Phase Development of the HSK/HT NDA.
- (b) The applicant has conducted an extensive site search to identify a suitable site for relocation of the affected operation. Applications No. A/YL-HTF/1133 and 1166 covering largely the same site³ for relocation of five affected operations (including Sum Kee Metal Company Limited) were subsequently submitted by the applicant and approved by the Rural and New Town Planning Committee (the Committee) of the Board (**Plan A-1**). However, under application No. A/YL-HTF/1166, due to various land administration issues, there was a reduction in area of about 5,478m² originally designated for Sum Kee Metal Company Limited as compared with application No. A/YL-HTF/1133 (**Drawing A-5**). With a site area of about 3,514m², the current application intends to compensate for such reduction in area.
- (c) The Site is considered the most suitable relocation site as it is relatively flat, easily accessible and in close proximity to the originally planned relocation site accommodating Sum Kee Metal Company Limited under applications No. A/YL-HTF/1133 and 1166.
- (d) The proposed uses are not incompatible with the surrounding areas.
- (e) No adverse traffic, environmental, drainage, landscape and archaeological impacts are anticipated.
- (f) The proposed uses are in line with 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).
- (g) Approval of the application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone.

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 registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting

² The applicant is the authorised representative of Sum Kee Metal Company Limited.

³ As compared with application No. A/YL-HTF/1133, application No. A/YL-HTF/1166 involves a reduction in site area (about 5,986m² or 7%) and an increased extent of land filling (about 11,238m² or 23%).

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

TPB PG-No. 13G are relevant to the application. The Site is located within Category 3 areas under the prevailing TPB PG-No. 13G promulgated on 14.4.2023. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

The Site was involved in a previous application (No. A/YL-HT/414) covering a much larger area for temporary racing circuit use rejected by the Committee in 2005. The considerations of the previous application are not relevant to the current application, which involves different uses. Details of this application are summarised at **Appendix III** and the location is shown on **Plan A-1**.

7. Similar Applications

7.1 There are five similar applications involving open storage and/or storage uses with/without filling of land within the same "AGR" zone in the past five years. Four of them were approved and one was rejected. Details of these applications are summarised at **Appendix III** and the locations are shown on **Plan A-1**.

Approved applications

7.2 Applications No. A/YL-HTF/1133, 1150, 1155 and 1166 involving open storage and/or storage uses with/without filling of land were approved with conditions by the Committee between 2022 and 2024 mainly on considerations that the development was in line with the then/prevaling TPB PG-No. 13F/G; the development was not incompatible with the surrounding areas; concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. Applications No. A/YL-HTF/1133 and 1166, which were submitted by the same applicant as the current application, had also obtained policy support from the Development Bureau (DEVB) as they were to accommodate brownfield operations affected by the development of the HSK/HT NDA.

Rejected application

7.3 Application No. A/YL-HTF/1160 involving storage use and located in the

western portion of the subject “AGR” zone which is still predominantly rural in character and relatively undisturbed was rejected by the Committee in 2023 on the ground that the development was not in line with the planning intention of the “AGR” zone.

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

8.1 The Site is:

- (a) vacant and mainly covered by vegetation;
- (b) accessible via a local track leading from Kai Pak Ling Road; and
- (c) situated within the Fu Tei Au Site of Archaeological Interest (SAI).

8.2 The surrounding areas are predominated by vacant/unused land intermixed with ponds, residential dwellings, areas used for storage/open storage and parking of vehicles, some of which are suspected unauthorized developments subject to planning enforcement action. To the west of the Site is a temporary open storage and storage yard covered by valid planning permission under application No. A/YL-HTF/1166 currently under implementation.

9. Planning Intention

9.1 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.

9.2 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.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

10.2 The following government bureau supports the application:

Policy Support

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a brownfield

operation (Sum Kee Metal Company Limited) for open storage/storage operation which is currently situated at various lots in D.D. 124 in Yuen Long, which will be affected by the Second Phase Development of the HSK/HT NDA. The applicant is the authorised representative of the above brownfield operation;

- (b) it is noted that the applicant had previously submitted applications No. A/YL-HTF/1133 and 1166 covering largely the same site for relocation of five affected operations (including Sum Kee Metal Company Limited) which were approved by the Committee. However, under application No. A/YL-HTF/1166, there was a reduction in area of about 5,478m² originally reserved for Sum Kee Metal Company Limited as compared with application No. A/YL-HTF/1133. Thus, the applicant needs to identify another site to compensate for such reduction in area for Sum Kee Metal Company Limited;
- (c) according to the applicant, the Site under current application is the most suitable relocation site, despite the site area is only about 3,514m²; and
- (d) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

10.3 The following government departments do not support the application:

Agriculture and Nature Conservation

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

- (a) the Site falls within the “AGR” zone and is generally abandoned. 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. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective; and
- (b) no objection to the application from nature conservation perspective. The Site is about 70m from the Shenzhen Bay Bridge Egretty. The applicant should note his advisory comments at **Appendix V**.

Environment

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

- (a) the proposed uses would generate traffic of heavy vehicles and there is a residential dwelling within 100m from the Site (located about 90m to its northwest) (**Plan A-2**). He does not support the application as noise nuisance from the proposed uses to sensitive uses nearby would be anticipated;
- (b) he has no comment on the proposed filling of land from environmental perspective; and
- (c) there was no substantiated environmental complaint pertaining to the Site in the past three years.

11. Public Comments Received During the Statutory Publication Periods

During the statutory public inspection periods, a total of four public comments were received from The Conservancy Association, Kadoorie Farm & Botanic Garden Corporation and an individual (**Appendix VII**) objecting to the application mainly on the grounds that the proposed uses are not in line with the planning intention of the “AGR” zone and/or would permanently affect the arability of the Site; not in line with the TPB PG-No. 13G; land formation/vegetation clearance has taken place at the Site; adverse environmental impact; setting an undesirable precedent; the Site is near burial ground and within the Fu Tei Au SAI; and there is a rejected application for warehouse use⁴ near the Site.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary open storage of construction materials and machinery and storage of tools and parts with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The proposed uses are not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective mainly on consideration that the Site possesses potential for agricultural rehabilitation and agricultural infrastructures such as road access and water source are available in the area. Nonetheless, taking into account the planning assessments below, it is considered that the proposed uses on a temporary basis of three years could be tolerated.

12.2 According to the applicant, the application is to facilitate the relocation of an existing business operation affected by the Second Phase Development of HSK/HT NDA. The Site is located in close proximity to another relocation site covered by approved application No. A/YL-HTF/1166 accommodating the

⁴ Application No. A/YL-HTF/1092 located to the immediate north of the Site for temporary warehouse use was rejected by the Board on review in 2019.

same affected business operation. The size of the Site (i.e. about 3,514m²) is smaller than its existing operation (i.e. about 27,176m²) in Hung Shui Kiu and generally comparable to the originally planned area being excluded under application No. A/YL-HTF/1166 as compared to application No. A/YL-HTF/1133 (i.e. about 5,478m²) due to land administrative issues. To facilitate smooth clearance for the HSK/HT NDA Development and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from policy perspective.

- 12.3 The applicant also proposes to fill the entire Site 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 has no objection to the application from drainage perspective, and DEP has no comment on the filling of land from environmental perspective. Should the Committee decide to approve the application, an approval condition requiring reinstatement of the Site to an amenity area upon expiry of the planning permission is recommended.
- 12.4 The Site is situated in an area of rural landscape character predominated by vacant/unused land, temporary structures and ponds. To its west is a site about 7.8 ha in area under implementation for temporary open storage and storage uses under application No. A/YL-HTF/1166 approved by the Committee in March 2024. Considering the overall landscape context of the surrounding environment, the proposed uses are considered not entirely incompatible with the surrounding areas. While nine existing trees (including three dead trees) at the Site are proposed to be felled/removed, the applicant has submitted a landscape plan with provision of nine new trees and retention of the remaining nine existing trees to mitigate the landscape impact. In this regard, the Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L, PlanD) has no comment on the application from landscaping point of view.
- 12.5 Other relevant government departments, including the Commissioner for Transport, Director of Fire Services and Antiquities and Monuments Office of DEVB have no objection to or no adverse comment on the application from traffic, fire safety and archaeological perspectives respectively. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site and the proposed uses will cause traffic of heavy vehicles, hence environmental nuisance is expected. In this regard, should the application be approved, the applicant will be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise any possible environmental nuisance on the surrounding areas. Furthermore, to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 The Site falls within Category 3 areas under TPB PG-No. 13G. Taking into account the policy support given by SDEV, no major adverse departmental comments and local objections have been received on the application and the

concerns of relevant government departments can be addressed through the implementation of approval conditions, sympathetic consideration can be given to the current application.

- 12.7 While there is a similar application within the same “AGR” zone rejected by the Board in 2023, it is located in the western part of the subject “AGR” zone which is still predominantly rural in character and relatively undisturbed. The Committee has approved four similar applications between 2022 and 2024, including two applications (No. A/YL-HTF/1133 and 1166) located to the immediate west of the Site and with policy support. Taking into consideration the justifications provided by the applicant, policy support from SDEV, assessment on TPB PG-No. 13G in paragraph 12.6 above and similar approvals within the same “AGR” zone, approval of this application is not in conflict 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. Furthermore, the Site is not within any permitted burial ground.

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 considers that proposed temporary open storage of construction materials and machinery and storage of tools and parts with ancillary facilities and associated filling of land could be tolerated for a period of three years.
- 13.2 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 20.12.2027. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.6.2025**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.9.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 **31.1.2025**;

- (e) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.6.2025**;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.9.2025**;
- (g) the submission of an archaeological impact assessment within **6 months** from the date of planning approval to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board by **20.6.2025**;
- (h) in relation to (g) above, the implementation of the mitigation measures identified in the archaeological impact assessment within **9 months** from the date of planning approval to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board by **20.9.2025**;
- (i) 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;
- (j) if any of the above planning condition (a), (b), (d), (e), (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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

the proposed uses with associated filling of land are 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 9.9.2024
Appendix Ia	Planning Statement
Appendix Ib	SI received on 13.9.2024
Appendix Ic	FI received on 22.10.2024
Appendix Id	FI received on 7.11.2024
Appendix II	Extract of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VII	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Land Filling Plan
Drawing A-3	Landscape Plan
Drawing A-4	Vehicular Access Plan
Drawing A-5	Location Plan of the Original Relocation Site for the Concerned Operation
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**