

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1180

- Applicant** : 得寶實業公司
- Site** : Lots 341 S.A, 341 S.B, 341 S.C, 341 S.D, 341 S.E and 341 RP in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,370m²
- 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 Industrial Use (Food Processing and Storage) for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary industrial use (food processing and storage) for a period of three years and 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 formed, with a temporary structure erected at the eastern portion (**Plans A-2 and A-4**).
- 1.2 The Site can be accessed via a local track leading from Deep Bay Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, four one to two-storey (4 to 9m in height) structures with a total floor area of about 1,458m² for food processing and storage, office, washroom, metre room and pump room uses are proposed. According to the applicant, the proposed use at the Site mainly involves cutting and preserving frozen meat as well as storage of the meat all within enclosed structure. No washing, cooking as well as livestock farming and slaughtering will be carried out on-site. Two loading/unloading (L/UL) spaces for light goods vehicles (LGVs) will be provided, and no medium or heavy goods vehicle will be used. Based on the

landscape proposal (**Drawing A-2**), four existing trees will be retained and 10 new trees will be planted along the site boundary to enhance the amenity of the Site.

1.3 The applicant also seeks planning permission to regularise the land filling works which had been undertaken at the Site. As shown on the land filling plan at **Drawing A-3**, the entire Site (i.e. 1,370m²) has been filled with concrete and soil of about 0.2m in depth.

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

Site Area	about 1,370m ²
Extent of Filling of Land	about 1,370m ² (with a depth of not more than 0.2m)
Total Floor Area	about 1,458m ²
No. of Structures	4 - 1 for food processing and storage - 1 for office and washroom - 1 for office and metre room - 1 for pump room
Height of Structures	about 4 to 9m (1 to 2 storeys)
L/UL Spaces	2 for LGVs (7m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 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 with attachments received on (**Appendix I**) 13.9.2024
- (b) Supplementary Information (SI) received on (**Appendix Ia**) 16.9.2024
- (c) Further Information (FI) received on 12.11.2024 (**Appendix Ib**)
[accepted and exempted from publication and recounting requirements]

1.6 On 8.11.2024, 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 with attachments, SI and FI at **Appendices I to Ib** respectively. They can be summarised as follows:

- (a) The current application is to facilitate the relocation of a food processing and

storage operation (previously involved in planning application No. A/HSK/396¹) affected by the Second Phase Development of the Hung Shui Kiu/Ha Tsuen New Development Area. Although the size of the Site (i.e. about 1,370m²) is smaller than the area occupied by the original premises (i.e. about 2,670m²), the total floor area at the Site under application is 221m² more than the original premises. The Site is identified as the most suitable relocation site after extensive site search by the applicant.

- (b) The proposed use is intended to provide supply of frozen meat to local businesses such as restaurants and barbecue places.
- (c) No adverse traffic and archaeological impacts are anticipated. In addition, the proposed operations at the Site would not induce adverse sewerage, noise and odour impacts on the surroundings.
- (d) The proposed use is temporary in nature and will not jeopardise the long-term planning intention of the Site. The Site can be easily reinstated afterwards.

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 posting site notice and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Applications**

The Site was involved in two previous applications (No. A/YL-HTF/1090 and 1116) for temporary hobby farm use with/without filling of land which were approved with conditions by the Committee in 2018 and 2021 respectively. The planning permissions were subsequently revoked. The considerations for these previous applications are not relevant to the current application which involves a different use. Details of these applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

¹ Application No. A/HSK/396 for proposed temporary industrial use (food processing and storage) for a period of three years was approved with conditions in September 2022. The planning permission was subsequently revoked in March 2024 owing to non-compliance with time-limited approval conditions.

6. Similar Application

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

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

7.1 The Site is:

- (a) vacant and formed, with a temporary structure erected at the eastern portion; and
- (b) accessible via a local track leading from Deep Bay Road.

7.2 The surrounding areas are predominated by vacant/unused land and areas used for open storage/storage intermixed with residential dwellings. The open storage/storage uses are suspected unauthorized developments subject to planning enforcement action.

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 Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 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) the Site falls within the “AGR” zone and is generally vacant. Agricultural infrastructures such as road access and water source are 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) he has no objection to the application from nature conservation perspective. The applicant should note his advisory comments at **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 20.9.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from Kadoorie Farm & Botanic Garden Corporation and an individual were received (**Appendix V**) objecting to/expressing concerns on the application mainly on the grounds that the Site is the subject of two revoked applications for hobby farm use; the current application is for brownfield use and not in line with the planning intention of the “AGR” zone; and there may be adverse impacts arising from the proposed use.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary industrial use (food processing and storage) for a period of three years and filling of land at the Site zoned “AGR” on the OZP. Although the proposed use is 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, taking into consideration the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.
- 11.2 The applicant proposes to regularise the filling of land with concrete and soil of about 0.2m in depth for the entire Site. 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. 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.
- 11.3 The Site is situated in an area of rural landscape character predominated by vacant/unused land and areas used for open storage/storage intermixed with residential dwellings. The proposed use, the nature of which is akin to rural workshop, is considered generally not incompatible with the surrounding areas. In addition, the applicant has submitted a landscape proposal with retention of four existing trees and provision of 10 new trees to enhance the amenity of the Site (**Drawing A-2**). In this regard, the Chief Town Planner/Urban Design & Landscape of Planning Department has no comment on the application from landscaping point of view.

- 11.4 Other relevant departments, including the Commissioner for Transport, Director of Food and Environmental Hygiene and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental hygiene and fire safety perspectives respectively. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise possible environmental nuisance on surrounding areas.
- 11.5 Regarding the public comments objecting to/expressing concerns on the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 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 considers that the proposed temporary industrial use (food processing and storage) and filling of land could be tolerated for a period of three years.
- 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 10.1.2028. 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 10.7.2025;
- (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 10.10.2025;
- (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 10.7.2025;
- (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 **10.10.2025**;

- (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 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 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 "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.

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

Appendix I	Application Form with Attachments received on 13.9.2024
Appendix Ia	SI received on 16.9.2024
Appendix Ib	FI received on 12.11.2024
Appendix II	Previous Applications

Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Landscape Proposal
Drawing A-3	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**