

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/1000

- Applicant** : Mr. TSOI Tak Lee represented by Goldrich Planners and Surveyors Limited
- Site** : Lot 27 RP in D.D. 110 and Adjoining Government Land (GL), Pat Heung, Yuen Long, New Territories
- Site Area** : About 3,330m² (including GL of about 577m² (17.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and filling of land at the application site (the Site), which falls within an area zoned “AGR” on the approved Kam Tin North OZP No. S/YL-KTN/11 (**Plan A-1**). According to the covering Notes of the OZP, temporary use of land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is fenced-off, paved and with some vehicles parked and stored without valid planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed temporary warehouse is for storage of construction materials. It involves erection of six single-storey structures with a total floor area of about 1,205m² and building heights of not more than 9m for warehouse and ancillary office (**Drawing A-1**). The applicant also applies for regularisation of filling of land for 3,205m² of the Site (96%) with a depth of about 0.1m (to levels of not more than +14.1mPD) for site formation and circulation (**Drawing A-2**). The operation hours will be between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Two parking spaces for medium goods vehicle are proposed within the Site. The Site is

accessible from Kong Po Road via a short section of local track (**Plans A-1 and A-2**). The layout plan and paving plan submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application form with supplementary information received on 7.3.2024 (**Appendix I**)
- (b) Further Information (FI) received on 21.3.2024* (**Appendix Ia**)
- (c) FI received on 7.5.2024* (**Appendix Ib**)
- (d) FI received on 19.6.2024* (**Appendix Ic**)

** accepted and exempted from publication and recounting requirements*

1.4 On 19.4.2024, 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, supplementary information and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) The proposed use is intended to meet the strong demand for warehouse in Yuen Long. The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone. There were similar applications approved in the vicinity of the Site.
- (b) The proposed parking spaces for goods vehicle are for supporting the daily operation of the proposed use and the staff will access the Site by public transport. Medium goods vehicles with length less than 7m will be used in view of the length restriction at Kong Po Road. No workshop activities nor open storage use will be involved at the Site. The applicant will follow the requirements of the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and comply with the relevant pollution control ordinances. Significant adverse drainage, traffic, fire safety and environmental impacts on the surrounding areas are not anticipated.
- (c) The approved temporary animal boarding establishment at the Site under the previous application submitted by the same applicant was not implemented. The applicant submitted the current application for the proposed use in view of an increasing demand for warehouse in the area.

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 Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member's inspection. For the GL portion, the 'Owner's Consent/Notification' Requirements are not applicable.

4. Background

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

5. Previous Application

5.1 The Site is involved in a previous application No. A/YL-KTN/931 for temporary animal boarding establishment with filling of land covering the same site and submitted by the same applicant as the current application. It was approved with conditions by the Committee in August 2023, mainly on the considerations that the proposed use on a temporary basis could be tolerated; it was not incompatible with the surrounding areas; and the departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-KTN/931 is valid until 11.8.2028.

5.2 Details of the previous application are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Applications

6.1 There are seven similar applications (No. A/YL-KTN/925, 928, 940, 959, 970, 976 and 988) for temporary warehouse use with filling of land within the same "AGR" zone in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between August 2023 and April 2024 mainly on the similar considerations as mentioned in paragraph 5.1 above.

6.2 Details of the similar applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6.3 Other than the similar applications mentioned in paragraph 6.1 above, application No. A/YL-KTN/979 for the same use as the current application and within the same "AGR" zone will be considered at the same meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) fenced-off, paved and with some vehicles parked and stored without valid planning permission; and
- (b) accessible from Kong Po Road to the east via a short section of local track.

7.2 The surrounding areas are mainly rural in character intermixed with open storage/storage yards and parking of vehicle (all without valid planning permission); as well as animal boarding establishment (with valid planning permission under application No. A/YL-KTN/909), farmland, grassland and residential structures/dwellings (the nearest one within about 40m to the southwest). To the east across Kong Po Road is a nullah.

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 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments 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 in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

9.2 The following government departments do not support the application:

Agriculture and Nature Conservation

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

- (a) the proposed use is not supported from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant and being used for car parking. The 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.; and
- (c) no comment on the application from nature conservation perspective.

Environment

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

- (a) according to the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as sensitive receivers (residential use) are found in the vicinity of the Site and the proposed use will involve use of heavy vehicles, thus environmental nuisance is expected;
- (b) no comment on the applied filling of land; and
- (c) there was no environmental complaint concerning the Site received in the past three years.

10. Public Comment Received During Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds that it would lead to further degradation to the surrounding environment.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of the “AGR” zone 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. Whilst 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, taking into account the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.
- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department and DEP have no objection to or no comment on the applied filling of land from drainage and environmental perspectives. An approval condition requiring the reinstatement of the Site to an amenity area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding land uses intermixed with open storage/storage yards, parking of vehicles, animal boarding establishment, farmland and residential structures/dwellings. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that

significant landscape impact is not anticipated and has no objection to the application from landscape planning perspective.

- 11.4 DEP does not support the application as the proposed use involves use of heavy vehicles and environmental nuisance is expected as there are sensitive receivers in the vicinity. In this regard, the applicant proposes the operation hours to be between 9 a.m. to 7 p.m. The operation is also subject to the relevant pollution control ordinances. To address DEP's concerns, the applicant will be advised to follow the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any potential environmental nuisance generated by the proposed use.
- 11.5 Other relevant departments including the Commissioner for Transport and the Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.6 There are seven approved similar applications within the same "AGR" zone in the vicinity of the Site as mentioned in paragraph 6.1 above. Approving the current application is in line with the Committee's previous decisions.
- 11.7 Regarding the public comment as mentioned in paragraph 10, the departmental comments and planning assessments 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 comment mentioned in paragraph 10, the Planning Department considers that the proposed use 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 5.7.2027. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.1.2025;
- (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 5.4.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site 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 5.1.2025;

- (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 5.4.2025;
- (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 the 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 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 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification 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 supplementary information received on 7.3.2024
Appendix Ia	FI received on 21.3.2024
Appendix Ib	FI received on 7.5.2024
Appendix Ic	FI received on 19.6.2024
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Drawing A-2	Paving plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos