

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-KTN/905**

<b><u>Applicant</u></b>	: Mr. LAM Tung Man represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lot 1145 in D.D. 107, Fung Kat Heung, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 258m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Warehouse (excluding Dangerous Goods Godown) for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) for a period of 3 years and filling of land at the application site (the Site). The Site falls within an area zoned “AGR” on the Kam Tin North OZP. According to the covering Notes of the OZP, temporary use or development not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is vacant, partly paved and forming part of a local track, and mainly fenced off.
- 1.2 According to the applicant, the proposed temporary warehouse is for storage of construction materials (tiles, bricks, glass, etc.). The proposed development involves the erection of a single-storey structure with floor area of about 205m<sup>2</sup> and building height of about 8.23m for warehouse and covered loading/unloading (L/UL) uses. The Site is to be paved with concrete for site formation of structure (from about +16.9mPD to +17.1mPD) and for circulation space in the periphery (from about +16.9mPD to +17mPD). A covered L/UL space for light goods vehicle will be provided at the Site. The operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The Site is

accessible from Mei Fung Road via local tracks (**Plans A-1 and A-2**). The site layout and proposed land filling plans 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 (**Appendix I**) received on 31.3.2023
- (b) Further Information (FI) received on 9.5.2023\* (**Appendix Ia**)
- (c) FI received on 11.5.2023\* (**Appendix Ib**)

*\* 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, supplementary information and FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The application is on a temporary basis and the proposed development is small in scale. The approval of the application would not jeopardise the long term planning intention of the “AGR” zone. The proposed development can better utilise deserted agricultural land to meet demand for warehouse use.
- (b) Concrete site formation is required to meet the operation needs and it has been kept to minimal. It is infeasible to preserve the existing tree as it would result in inefficient use of storage space and insufficient space for vehicle manoeuvring. After the planning approval period, the applicant will reinstate the Site to an amenity area and one heavy standard tree will be planted at the Site to compensate the loss of the existing tree.
- (c) As the surrounding area is dominated by open storage and workshop premises, the applied use is considered not incompatible with the surrounding area.
- (d) No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to be parked/stored on or enter/exit the Site during the planning approval period. The applicant will follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department and the Professional Persons Environmental Consultative Committee Practice Notes for sewage treatment at the Site. The proposed development would not create significant nuisance to the surrounding area.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Application**

The Site is not involved in any previous application.

6. **Similar Applications**

6.1 There are four similar applications (No. A/YL-KTN/709, 824, 852 and 890) for similar temporary warehouse use (or renewal of planning approval granted by the Committee) within the “AGR” zone in the vicinity of the Site (three of which involve filling of land) in the past 5 years. All the applications were approved with conditions by the Committee between 2020 and 2023 mainly on the grounds that temporary approval of the applications would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; departments concerned consulted in general had no objection to the application; and/or their technical concerns could be addressed through relevant approval conditions. Details of the applications are summarised at **Appendix II** and the locations are shown on **Plan A-1**.

6.2 For Members’ information, application No. A/YL-KTN/904 (for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of 3 years and filling of land) within the same “AGR” zone will also be considered at this meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) vacant, partly paved and forming part of a local track, and mainly fenced off; and
- (b) accessible from Mei Fung Road via local tracks.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and west are open storage/storage yards. To the further north are residential structures/dwellings and woodland;

- (b) to the east are grassland, residential structures/dwellings and a hobby farm (with planning permission under application No. A/YL-KTN/758); and
- (c) to the south and southwest are open storage/storage yards, some residential structures/dwellings, grassland and vacant land.

## **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.

## **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 in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.
- 9.2 The following government department has objection to/reservation on the application.

### Agriculture and Nature Conservation

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

- (a) the agricultural activities are active in the vicinity, and agricultural infrastructures such as road accesses 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) from nature conservation point of view, DAFC has no adverse comment on the application.

## **10. Public Comments Received During Statutory Publication Period**

The application was published for public inspection. During the statutory publication period, three public comments were received from the Kadoorie Farm and Botanic

Garden Corporation, the Conservancy Association and an individual. The commenters object to the application mainly on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; approval of the application will set an undesirable precedent for similar applications; and there are no previous application or other approved brownfield operations adjacent to the Site.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) for a period of 3 years and filling of land (by not more than 0.2m in depth) for site formation and circulation space in the “AGR” zone. Although the proposed development is not in line with the planning intention of the “AGR” zone which is intended 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 and DAFC does not support the application from agricultural development perspective, it is considered that approval of the application on a temporary basis for a period 3 years would not frustrate the long-term planning intention of the “AGR” zone. Filling of land within “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 (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no adverse comments from the drainage and the environmental perspectives. An approval condition on reinstatement of the Site upon expiry of the planning permission as proposed by the applicant is recommended should the Committee decide to approve the application.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are mixed with storage/storage yards, residential structures/dwellings, hobby farm, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) considers that significant adverse landscape impact arising from the proposed use is not anticipated and has no objection to the application from landscape planning perspective.
- 11.3 In view of the small scale of the development, significant adverse traffic, environmental and drainage impacts to the surrounding areas are not anticipated. Relevant departments consulted including the Commissioner for Transport, CE/MN of DSD, DEP and the Director of Fire Services have no objection to or no adverse comments on the application. To minimise any potential environmental nuisances and 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 be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses’ to minimise the possible environmental impacts on the surrounding areas.

- 11.4 There are four similar applications for temporary warehouse uses within the “AGR” zone in the vicinity of the Site approved between 2020 and 2023 as stated in paragraph 6 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Three public comments objecting to the application were received during the statutory publication period. In this regard, the departmental comments and planning considerations and assessments as stated above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessment 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 warehouse (excluding dangerous goods godown) and filling of land could be tolerated for a period of 3 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 3 years until 19.5.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no recycling, cleaning, repairing, dismantling work nor other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) 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 19.11.2023;
- (e) in relation to (d) 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 19.2.2024;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (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 19.11.2023;

- (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 19.2.2024;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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 (d), (e), (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, as proposed by the applicant, 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 development is not in line with the planning intention of the "AGR" zone which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other 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.

**15. Attachments**

<b>Appendix I</b>	Application form with supplementary information received on 31.3.2023
<b>Appendix Ia</b>	FI received on 9.5.2023
<b>Appendix Ib</b>	FI received on 11.5.2023
<b>Appendix II</b>	Similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Proposed land filling plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plan A-4</b>	Site photos

**PLANNING DEPARTMENT  
MAY 2023**