

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTN/978

<u>Applicant</u>	:	Zhitong Investment Co., Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 422 S.B ss.1 (Part) and 422 S.B RP in D.D. 110, Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	:	About 722m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/11
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and associated filling of land. The Site falls within an area zoned “AGR” on the Kam Tin North OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use of any 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 currently vacant, paved and fenced (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the proposed temporary warehouse is intended for storage of miscellaneous goods (e.g. vehicle parts, packaged food, apparel, footwear, electronic goods and furniture). No dangerous goods will be stored and no workshop activities will be conducted at the Site. The proposed use involves a two-storey structure for warehouse and ancillary office and washroom with a total floor area of about 1,196m² and building height of about 13m (**Drawing A-1**). The applicant also applies for regularisation of filling of land for the entire Site with depth of 0.2m to a level of +10.5mPD. The existing concrete paving would be removed and repaved for site formation of the proposed structure and vehicle

circulation (**Drawing A-2**). The proposed operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Two parking spaces for private cars and a loading/unloading space for light goods vehicles are proposed on-site. The Site is accessible from Kam Tin Road via Kam Tai Road and a local access. 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:

Application form with supplementary information received on (**Appendix I**)
2.1.2024.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form and supplementary information at **Appendix I**. They can be summarised as follows:

- (a) The Site is surrounded by open storage yards and temporary structures for storage and workshop uses. The proposed development is considered not incompatible with the surrounding area.
- (b) Approval of the current application on a temporary basis of three years would better utilise deserted agricultural land and would not jeopardise the long-term planning intention of the “AGR” zone. The applicant will reinstate the Site to an amenity area after the planning approval expires.
- (c) No medium and heavy goods vehicles including container tractors/trailers would be allowed to be parked/stored on or enter/exit the Site at any time. Traffic generated and attracted by the proposed development is minimal and adverse traffic impact is not anticipated.
- (d) The Site is the subject of several previous applications, with the last one approved on 20.11.2020. Since the subject application is for similar nature of storage use, its approval would be in line with the previous decisions and would not set undesirable precedent within the “AGR” zone. 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 (EPD) to minimise all possible environmental impacts and the Professional Persons Environmental Consultative Committee Practice Notes for sewage treatment at the Site.

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 currently not subject to any active planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in five previous applications (No. A/YL-KTN/341, 364, 452, 578 and 729) for temporary open storage of vehicles and vehicle parts covering larger site areas which are not relevant to the current application.
- 5.2 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are four similar applications (No. A/YL-KTN/925, 928, 940 and 959) for temporary warehouse (excluding dangerous goods godown) and filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) mainly on the considerations that the proposed development on a temporary basis could be tolerated; it was considered not incompatible with the surrounding land uses; and the departments consulted generally had no adverse comment or their technical concerns could be addressed by relevant approval conditions.
- 6.2 Details of the applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) vacant, paved and fenced; and
 - (b) accessible from Kam Tin Road via Kam Tai Road and a local access.
- 7.2 The surrounding areas are rural in character intermixed with open storage/storage yards (including a site covered with valid temporary planning permission under application No. A/YL-KTN/893), parking of vehicles (with valid temporary planning permission under application No. A/YL-KTN/827), warehouses, residential structures/dwellings and plant nursery. A transitional housing development (with valid temporary planning permission under application No. A/YL-PH/913) under implementation is to the northeast in about 80m.

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 “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 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 does not support the application:

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site zoned “AGR” is generally vacant. 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.

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

The application was published for public inspection. During the statutory publication period, two public comments were received from individuals objecting to the application mainly on the grounds of impacts on traffic, noise, environment, drainage and security aspects, and that there is unauthorised use under lease.

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 associated 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 the Director of Environmental Protection (DEP) have no objection to the application from drainage and environmental perspectives. An approval condition requiring 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 which are rural in character intermixed with open storage/storage yards, parking of vehicles, warehouses and residential structures/dwellings. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that significant impact on the existing landscape resources within the Site is not anticipated and has no objection to the application from landscape planning perspective.
- 11.4 Other relevant departments including Commissioner for Transport, Director of Fire Services and Commissioner of Police 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. The applicant has also be committed to following the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP to minimise any potential environmental nuisances.
- 11.5 Regarding the public comments objecting to the application 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 comments 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 1.3.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, shall be carried out on the site at any time during

the planning approval period;

- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed on the site during the planning approval period;
- (c) 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 1.9.2024;
- (d) in relation to (c) 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 1.12.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 1.9.2024;
- (g) in relation to (f) 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 1.12.2024;
- (h) if any of the above planning condition (a), (b) or (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;
- (i) if any of the above planning condition (c), (d), (f) or (g) 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
- (j) 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. 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 supplementary information received on 2.1.2024
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Paving plan
Plan A-1	Location plan with similar applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MARCH 2024**