

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

**APPLICATION NO. A/YL-KTN/993**

<b><u>Applicant</u></b>	:	Hung Chun Contractor Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lots 1226 S.C, 1227 S.B, 1227 S.C and 1230 S.A in D.D. 107, Fung Kat Heung, Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	About 1,270m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/11
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	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 for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and associated filling of land at the application site (the Site), which 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 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, largely vacant, and partly hard paved. (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed temporary warehouse is for storage of miscellaneous goods (i.e. kitchenware, toiletries, furniture, consumer electronics etc.). It involves three single-storey structures for warehouse, ancillary office and washroom with a total floor area of about 646m<sup>2</sup> and building height of about 7m (**Drawing A-1**). The applicant also applies for filling of land for the whole Site for site formation and vehicle circulation, including regularisation of an area of 799m<sup>2</sup> already filled and proposed filling of concrete for the remaining area of 471m<sup>2</sup> with a depth of not more than 0.2m (from +9.9mPD to +10.1mPD) (**Drawing A-2**). The operation hours of the proposed use 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 private cars and a loading/unloading space for light goods vehicle will be provided. The Site is accessible from Mei Fung Road via a local track (**Plans A-1 and A-2**). The site layout plan and land filling 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 (Appendix I)  
on 7.2.2024
- (b) Further Information (FI) received on 21.3.2024\* (Appendix Ia)  
*\* accepted and 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 FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The proposed development is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone.
- (b) The proposed development can meet the demand for warehouse. There are similar applications approved by the Rural and New Town Planning Committee (the Committee) in the vicinity of the Site within the same “AGR” zone.
- (c) The filling of land is necessary for site formation purpose to meet the operational needs of the proposed development. The applicant undertakes to reinstate the Site upon expiry of the planning approval.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ and ‘Professional Persons Environmental Consultative Committee Practice Notes’ to minimise the environmental impacts and to design the on-site drainage system.
- (e) The applicant will implement mitigation measures to avoid any disturbance to the nearby watercourse, including designation of 3m-buffer area from the watercourse, and setting up fences to isolate the proposed use from the watercourse. Besides, 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. No dangerous goods will be stored and no recycling, cleansing, repairing, dismantling works or other workshop activities are involved at the Site. The proposed use will not induce adverse environmental, traffic and drainage impacts to the surrounding areas.
- (f) The Site is the subject of an approved previous application for temporary animal boarding establishment submitted by the same applicant as the current application. However, the applicant finds the business of the animal boarding establishment difficult, and therefore the proposed animal boarding establishment approved in previous application has not been operated.

### 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 the subject of two previous applications (No. A/YL-KTN/745 and 771) which were approved with conditions by the Committee in February and July 2021 respectively. Application No. A/YL-KTN/745 was for temporary place of recreation, sports or culture (hobby farm) with filling of land, and application No. A/YL-KTN/771 was submitted by the same applicant as the current application for temporary animal boarding establishment with filling of land. The two approvals were mainly based on the considerations that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed development was not incompatible with the surrounding land uses; and the departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions. The planning permission under No. A/YL-KTN/745 was subsequently revoked in February 2022 due to non-compliance of approval conditions and No. A/YL-KTN/771 is valid until 9.7.2026.

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

### 6. **Similar Applications**

6.1 There are 20 similar applications 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 the applications were approved with conditions by the Committee between May 2022 and January 2024 mainly on the considerations that temporary approval would not frustrate the long-term planning intention or the proposed use on a temporary basis could be tolerated; the proposed development was not incompatible with the surrounding land uses; and the departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions. The planning permissions under application No. A/YL-KTN/824 and A/YL-KTN/898 were revoked in February 2024 and January 2024 respectively due to non-compliance with approval conditions.

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

6.3 Other than the similar applications as stated in paragraph 6.1 above, applications No. A/YL-KTN/988, 992 and 995 for the same use as the current application and

within the same “AGR” zone will be considered at the same meeting.

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

7.1 The Site is:

- (a) fenced, largely vacant, partly hard paved; and
- (b) accessible from Mei Fung Road via a local track.

7.2 The surrounding areas are rural in character intermixed with storage uses (including sites with valid planning permissions under applications No. A/YL-KTN/904 and 920), holiday camp (with a valid planning permission under application No. A/YL-KTN/868), vacant land, woodland, plant nursery, animal boarding establishment and residential structures/dwellings. A nullah is located about 40m to the south of the Site.

## **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 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 falls within the “AGR” zone and is generally vacant or occupied by some vehicles. 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 from nature conservation perspective.

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

The application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received raising concern on the authentic use of the Site in view of the change in proposed use from the previous application which was submitted by the same applicant.

## **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 “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 or no comment on the application 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 which are mainly intermixed with storage uses, holiday camp, vacant land, woodland, plant nursery, animal boarding establishment 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 Other relevant departments consulted 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 government departments, appropriate approval conditions are recommended in paragraph 12.2 below. To minimise any potential environmental nuisances, the applicant will also be advised to follow the revised ‘Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites’ issued by DEP.

- 11.5 There are 20 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.
- 11.6 Regarding the public comment on the authentic use of the Site as mentioned in paragraph 10, the applicant has explained that the animal boarding establishment previously approved has not been operated because the business was difficult.

## **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 5.4.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) 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 at any time during the planning approval period;
- (b) 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;
- (c) the implementation of the accepted drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.1.2025;
- (d) in relation to (c) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the implementation of the accepted 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 5.1.2025;
- (f) if any of the above planning condition (a), (b) or (d) 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 (c) 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 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**

<b>Appendix I</b>	Application form with supplementary information received on 7.2.2024
<b>Appendix Ia</b>	FI received on 21.3.2024
<b>Appendix II</b>	Previous and similar applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan with previous and similar applications

<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4</b>	Site photos

**PLANNING DEPARTMENT  
APRIL 2024**