

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1023

- Applicant** : Trans-Concept Limited represented by R-riches Property Consultants Limited
- Site** : Lot 1165 (Part) in D.D. 106, Kam Tin, Yuen Long, New Territories
- Site Area** : About 770m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) 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) 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 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 currently fenced-off, paved and vacant with some temporary structures (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposed temporary warehouse is for storage of miscellaneous goods (including but not limited to packaged food, apparel, footwear, electronic goods and furniture, etc.), comprising four structures of one to two storeys (about 3m to 7m in height) for warehouse, site office and washroom with a total floor area of about 383m² (**Drawing A-2**). All items would be stored within fully enclosed structures. No dangerous goods will be stored and no recycling, cleaning, repairing and dismantling or other workshop activities will be carried out at the Site. No medium and heavy goods vehicle (including container vehicle) will be allowed to enter the Site. The applicant also

applies for regularisation of filling of land for 763m² (about 99%) of the Site with concrete with a depth of not more than 0.2m up to a level of +16.5mPD to 16.6mPD for site formation of structures, vehicular circulation, parking and loading/unloading space (**Drawing A-3**). Four existing trees at the Site will be preserved. Two private car parking spaces and one loading/unloading space for light goods vehicle will be provided within the Site. The proposed operation hours are between 8:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The location plan, site layout plan and land filling plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in three previous applications. The last application No. A/YL-KTS/975 submitted by the same applicant for temporary eating place with different layout and development parameters was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 27.10.2023 and valid until 27.10.2026 (details at paragraph 5 below)
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with supplementary statement (**Appendix I**) received on 29.8.2024
 - (b) Further Information (FI) received on 21.10.2024* (**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 and supplementary statement at **Appendix I**. They can be summarised as follows:

- (a) There is no active agricultural use at the Site which has been hard paved. The proposed use intends to support the local warehousing and storage industry.
- (b) The surrounding areas are dominated by open storage yards and temporary structures for workshop and storage uses. The proposed use is considered not incompatible with the surrounding uses. The proposed development is temporary in nature and approval of the current application will not frustrate the long-term planning intention of the “AGR” zone.
- (c) The applied filling of land is necessary for site formation and vehicular circulation to meet the operational needs of the proposed development. The applicant will reinstate the Site upon expiry of the planning approval period. All the existing trees will be well-preserved by the applicant at any time during the planning approval period.
- (d) In support of the current application, the applicant has submitted the drainage records of the existing drainage facilities and a fire service installations (FSIs) proposal. No dangerous goods or workshop activities will be stored/conducted at the Site. The applicant will strictly follow the ‘Code of Practice on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘Code of Practice’) and ‘Professional Persons Environmental Consultative Committee Practice Notes’ to minimise the environmental impacts and to design the on-site drainage system in accordance with the guidelines and requirement of Drainage Services Department (DSD). The proposed development will not create significant nuisance to the surrounding areas. Adverse traffic impact arising from the proposed development is not anticipated and sufficient maneuvering space is provided within the Site to ensure that no vehicle will turn back onto local access.

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 enforcement action.

5. **Previous Applications**

The Site is the subject of three previous applications (No. A/YL-KTS/809, 900 and 975). Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**. Two of the applications (No. A/YL-KTS/809 and 900) for temporary shop and service and the remaining one (No. A/YL-KTS/975) for temporary eating place with ancillary facilities were approved by the Committee between 2019 and 2023, but the considerations of which are not relevant to the current application due to the different applied use.

6. **Similar Applications**

- 6.1 There are three similar applications (No. A/YL-KTS/946, 959 and 997) for temporary warehouse use (two with filling of land) within the other “AGR” zones on the OZP in the past five years, which were approved with conditions by the Committee of the Board between 2023 and 2024 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding uses; the departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions; and policy support was given for applications No. A/YL-KTS/946 and 959 to facilitate relocation of business operation displaced by the government projects.
- 6.2 Details of the similar 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) accessible from Kam Sheung Road via local track; and
- (b) currently fenced-off, paved and vacant with some temporary structures.

7.2 The surrounding areas comprise predominantly open storage, warehouses, storage yards, car dismantling workshop, residential development named Seasons Palace and residential structures.

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 Department

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

9.2.1 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 occupied by some structures. The agricultural activities (plant nursery) 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 planning application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 6.9.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received objecting to the application as approval conditions were not complied with under previous application (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) 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, there are no active agricultural activities currently at the Site. In view of the above and taking into account the planning assessments below, the proposed use for a temporary period 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, DSD and Director of Environmental Protection have no objection to the applied filling of land from drainage and environmental perspectives respectively. An approval condition requiring the reinstatement of the Site to an amenity area, as undertaken by the applicant, is recommended in paragraph 12.2 below should the Committee decide to approve the application.
- 11.3 The proposed development is considered not incompatible with the surrounding areas which comprise predominantly open storage, warehouses, storage yards, car dismantling workshop, residential development and structures. The Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning perspective considering the proposed use is not incompatible with surrounding landscape character and significant landscape impact arising from the proposed development is not anticipated.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services (D of FS) 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. The applicant will also be advised to follow the revised ‘Code of Practice’ issued by Environmental Protection Department to minimise possible environmental nuisance generated by the proposed use on the surrounding areas.

- 11.5 There are three similar applications within the other “AGR” zones on the OZP which were approved with conditions between 2023 and 2024 mainly on the considerations as stated in paragraph 6.1 above. Approving the current application is generally in line with the Committee’s previous decisions.
- 11.6 For the public comment mentioned in paragraph 10, the departmental comments and planning assessments above are relevant and the applicant has submitted a FSIs proposal under the current application, which is accepted by D of FS.

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 above, 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 25.10.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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 25.7.2025;
- (c) if the above planning condition (a) 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;
- (d) if the above planning condition (b) 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
- (e) 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 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 and 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

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| Appendix I | Application Form with Supplementary Information received on 29.8.2024 |
| Appendix Ia | FI received on 21.10.2024 |
| Appendix II | Previous and Similar Applications |
| Appendix III | Government Departments’ General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendix V | Public Comment |
| Drawing A-1 | Location Plan |
| Drawing A-2 | Layout Plan |
| 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
OCTOBER 2024**