

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1032

- Applicants** : Big Trend Logistics Limited and Man Woo Hing represented by Lawson David & Sung Surveyors Limited
- Site** : Lots 123 RP, 124 (Part), 125 (Part), 126 (Part), 127 (Part) in D.D. 113 and Adjoining Government Land (GL), Ma On Kong, Kam Tin South, Yuen Long, New Territories
- Site Area** : About 6,133m² (including GL of about 1,043m² or 17%)
- 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 for Storage of Construction Materials (Timber and Metal) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicants seek planning permission for proposed temporary warehouse for storage of construction materials (timber and metal) 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 vacant, formed and paved, and encircled by a low-rise boundary wall (**Plans A-2 to A-4**).
- 1.2 According to the applicants, the application is to facilitate the relocation of the applicants’ business operation at a Site in Ma Tso Lung, Kwu Tong North (KTN) affected by government project, i.e. First Phase of the KTN New Development Area

(KTN NDA). The affected operation involved a total site area of about 5,500m². The site of the affected operation has already been resumed in February 2022¹.

- 1.3 The Site is accessible from Kam Ho Road via a local track (**Drawing A-2, Plans A-2 and A-3**). According to the applicants, the proposed temporary warehouse is for storage of construction materials (timber and metal), comprising five single-storey enclosed structures (about 3m to 12m in height) for warehouses, site office, meter room and washroom with a total floor area of about 3,909m² (**Drawing A-1**). All items would be stored within the enclosed structures and no workshop or open storage activities will be carried out at the Site. Four private car parking spaces and five loading/unloading spaces (two for light goods vehicle and three for container vehicles) will be provided within the Site. Six new trees will be planted along the eastern boundary of the Site to compensate the two trees fell under the last previous application No. A/YL-KTS/946. Mature trees outside the Site along the northern and eastern boundaries would not be affected (**Drawing A-3**). The applicants also apply for regularisation of filling of land for the entire Site with concrete with a depth of not more than 0.2m up to a level of +16.8mPD to 17.45mPD (except the portion designated for tree planting of about 34m² will be filled with soil of not more than 0.2m) for site formation of structures, vehicular circulation, parking and loading/unloading spaces (**Drawing A-4**). The proposed operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan, vehicular access plan, landscape proposal and land filling plan submitted by the applicants are at **Drawings A-1 to A-4** respectively.
- 1.4 The Site is involved in three previous applications. The last application No. A/YL-KTS/946 submitted by the same applicants for the same use covering the same site with similar layout and development parameters was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 19.5.2023 and the planning permission was subsequently revoked on 19.11.2024 (details at paragraph 5 below).
- 1.5 In support of the application, the applicants have submitted the following documents:
 - (a) Application Form with supplementary information (**Appendix I**) received on 30.9.2024
 - (b) Further Information (FI) received on 31.10.2024* (**Appendix Ia**)
 - (c) FI received on 13.11.2024 and 15.11.2024* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*

¹ As advised by the applicants, the affected operation is currently temporarily relocated to a site with a much smaller floor area and on a short tenancy period. The applicants have to downsize their business operations until the Site is ready for relocation.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form and FI at **Appendices I, Ia and Ib**. They can be summarised as follows:

- (a) The proposed use could meet the pressing demand for warehouse facilities in the Northern New Territories and allow the applicants to continue their business and maintain the timber/metal supply in the market to support the construction industry in Hong Kong.
- (b) The applicants have conducted a thorough site search for relocation of the affected operations, but sites identified were considered not suitable due to incompatibility with the surrounding areas, falling within village environs, no direct vehicular access and clearance of vegetation is required. The applicants could only temporarily relocate to a warehouse site with a much smaller floor area and downsize their business operations until the Site is ready for relocation.
- (c) The proposed use is temporary in nature and approval of the current application will not frustrate the long-term planning in the area while facilitating better utilisation of valuable land resources.
- (d) Majority of the Site is already paved and formed. 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.
- (e) The applied filling of land is necessary for site formation and vehicular circulation to meet the operational needs of the proposed development. The applicants will reinstate the Site upon expiry of the planning approval period.
- (f) There are previous and similar applications approved for warehouse use at the Site and its vicinity. Approval of the current application is in line with the previous decisions of the Board. The applicants have also demonstrated genuine effort in complying with the approval conditions imposed under the last previous application No. A/YL-KTS/946. However, the implementation of the fire service installations (FSIs) proposal accepted by the Fire Services Department (FSD) was hindered by the unexpected delay of the approval of Short Term Waiver application by the Lands Department. The applicants have submitted drainage and FSIs proposals to support the current application.
- (g) The proposed use would not induce adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Sufficient manoeuvring space would be provided within the Site and no queuing of goods vehicles along Kam Ho Road is anticipated. The applicants would follow the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (the COP) to minimise potential environmental nuisance and the Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) No. PN 1/23 "Drainage Plans subject to Comment by the Environmental Protection

Department -Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations” to minimise water pollution caused by the proposed use.

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

The applicants are not ‘current land owner’ but have 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 not subject to any active enforcement action.

5. Previous Applications

- 5.1 The Site is involved in four previous applications (No. A/YL-KTS/783, 885, 891 and 946). Two of the applications (No. A/YL-KTS/885 and 891) for temporary animal boarding establishment are not relevant to the current application.
- 5.2 Application No. A/YL-KTS/783 submitted by a different applicant for temporary warehouse for storage of drainage pipes with ancillary site office was rejected by the Committee in September 2018 mainly on the grounds that the applicant failed to demonstrate that the development would have no adverse environmental and landscape impacts; and approval of the application would set an undesirable precedent.
- 5.3 Application No. A/YL-KTS/946 submitted by the same applicants for the same use covering the same site with similar layout and development parameters was approved by the Committee on 19.5.2023 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed use was not incompatible with the surrounding uses; the government departments consulted in general had no adverse comment or their concerns could be addressed by relevant approval conditions; and policy support was given for the application to facilitate relocation of business operation displaced by government project. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions.
- 5.4 Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/YL-KTS/959 and 997) for temporary warehouse within other “AGR” zones in the vicinity of the Site in the past five years. They were approved with conditions by the Committee between 2023 and 2024 mainly on the considerations similar to those set out in paragraph 5.3 above, except that policy support to facilitate relocation of business operation displaced by government project was relevant only for application No. A/YL-KTS/959.
- 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 Ho Road via local track; and
 - (b) currently vacant, formed and paved, and encircled by a low-rise boundary wall.
- 7.2 The surrounding areas comprise predominantly warehouse, storage yard, residential structures which most of them are temporary structures, animal boarding establishments, graves and burial urns.

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 Bureau/Departments

- 9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 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 bureau supports the application:

Policy Aspect

9.2.1 Comments of the of the Secretary for Development (SDEV):

- (a) it is understood that the Site is the subject of a previously approved application No. A/YL-KTS/946 for the same applied use submitted by the same applicants. The aforesaid previous application was to facilitate relocation of warehouses affected by the government-led KTN NDA project;
- (b) according to the applicants, the development parameters are largely the same as the previously approved application, except changes in the layout to meet operation needs. The applicants also claim that the proposed temporary warehouse is not incompatible with the surrounding land uses; no adverse traffic, environmental, drainage and landscape impact is anticipated; and that its temporary nature will not hinder the development programme of the proposed public housing development at the Site²; and
- (c) the land freed up by the displaced operations will, together with other cleared land, be redeveloped into the KTN NDA, capable of providing about 49,900 housing units in phases. Facilitating relocation of affected brownfield operations is crucial to the smooth clearance for and implementation of the NDA project. From the perspective of ensuring timely development of the NDA and delivery of the housing yield, as well as facilitating the continued operation of the affected brownfield operations, she supports the application.

9.3 The following government departments do not support the application:

Agriculture and Nature Conservation

9.3.1 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 vacant. 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

² The Site falls within the brownfield cluster at Kam Ho Road which was shortlisted as having potential for public housing development in short to medium term under the ‘Second Phase Review of Using Brownfield Clusters for Public Housing Development’.

- (c) no comment on the planning application from nature conservation perspective.

Environment

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

- (a) according to the COP, he does not support the application as sensitive receivers, i.e. residential structures, are found in the vicinity of the Site and the proposed use involves the use of heavy vehicles, thus environmental nuisance is expected;
- (b) as for the proposed filling of land, he has no comments from environmental perspective;
- (c) there was no environmental complaint concerning the Site received in the past three years; and
- (d) should the application be approved, the applicants should note his advisory comments in **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 8.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received, which stated that the Board should question on the compatibility and potential adverse impacts of the proposed use and consider the non-compliance history of the previous approval covering the Site (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of construction materials (timer and metal) for a period of three years and the 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 the agricultural perspective, taking into account the planning assessments below and the policy support given by SDEV, the proposed use for a temporary period of three years could be tolerated.
- 11.2 According to the applicants, the application is to facilitate the relocation of a business operation affected by the First Phase of KTN NDA. The site area under the current application is similar to that of the affected business operation in KTN. Despite that the affected operation is currently temporarily relocated to a site, the applicants advised that the temporarily relocated site has a much smaller floor area and the applicants have to downsize their business operations until the Site is

ready for relocation. From the perspective of ensuring timely development of the NDA and delivery of the housing yield, as well as facilitating the continued operation of the affected brownfield operations, SDEV supports the application.

- 11.3 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 Drainage Services Department (CE/MN, DSD) has no objection to the application and DEP has no comments on the proposed filling of land. An approval condition requiring the reinstatement of the Site to an amenity area is recommended in paragraph 12.2 below should the Committee decide to approve the application.
- 11.4 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly warehouse, storage yard, residential structures (which most of them are temporary structures), animal boarding establishment, graves and burial urns. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection to the application from landscape planning perspective as six new trees are proposed along the eastern boundary of the Site thus significant landscape impact arising from the proposed development is not anticipated (**Drawing A-3**).
- 11.5 DEP does not support the application as there are sensitive receivers of residential structures in the vicinity of the Site (**Plan A-2**). Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. Should the planning application be approved, the applicants will be advised to follow the COP to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. 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 departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.6 The Site is the subject of a previous application No. A/YL-KTS/946 submitted by the same applicants for the same use covering the same site with similar layout and development parameters, which was approved by the Committee on 19.5.2023. The planning permission was subsequently revoked on 19.11.2024 due to non-compliance with time-limited approval conditions related to the drainage and FSIs proposals. In this regard, the applicants have submitted drainage and FSIs proposals for the current application and CE/MN, DSD and D of FS have no objection to the current application. As such, sympathetic consideration may be given to the current application. The applicants will be advised that should they fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.7 Given that a previous approval for the same applied use was granted to the Site in 2023 and two similar applications within other “AGR” zones in the vicinity of the Site have been approved in the past five years, approval of the current application is generally in line with the Committee’s previous decisions.

- 11.8 For the public comment 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 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 22.11.2027. 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 22.5.2025;
- (b) in relation to (a) above, the implementation of 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 22.8.2025;
- (c) in relation to (b) above, the implemented drainage facilities 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 22.5.2025;
- (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 22.8.2025;
- (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 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

Appendix I	Application Form with Supplementary Information received on 30.9.2024
Appendix Ia	FI received on 31.10.2024
Appendix Ib	FI received on 13.11.2024 and 15.11.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Landscape Proposal
Drawing A-4	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
NOVEMBER 2024**