

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

**APPLICATION NO. A/YL-KTS/1045**

<b><u>Applicant</u></b>	: Starmac Capital Investment Limited <sup>1</sup> represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	: Lot 154 RP (Part) in D.D. 106 and adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 2,124m <sup>2</sup> (including GL of about 72m <sup>2</sup> (about 3%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<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 OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use 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 and covered by overgrown vegetation (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the application is to facilitate the relocation of a business operation (i.e. Shun Hoi Logistics Limited) at a site in Ha Tsuen, Yuen Long affected by government project, i.e. Second Phase of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). The site of the affected operation, which involved a site area of about 1,160m<sup>2</sup>, has already been resumed by the Government in December 2024.

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<sup>1</sup>The applicant claimed to be authorised by an affected brownfield operator (i.e. Shun Hoi Logistics Limited) of the Second Phase of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) to facilitate the relocation of the affected premises.

- 1.3 The Site is accessible from abutting Kam Ho Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use involves a two-storey structure with a floor area of about 2,664m<sup>2</sup> and a building height of not more than 13m for storage for miscellaneous goods including but not limited to packaged food and beverages, apparel, footwear, electronic goods etc., covered parking and loading/unloading area, site office and toilet (**Drawing A-1**). A 2.5m-high solid fence wall will be erected along the Site to minimise noise nuisance to the surrounding areas. All items will be stored within the enclosed structure and no open storage, repairing, assembling, dismantling or workshop activities will be carried out at the Site. Amongst the 26 existing trees within the Site to be felled, 20 of them are invasive alien species as identified by the applicant and six new trees are proposed to be planted along the southern boundary of the Site for compensation purpose (**Drawing A-2**). Two private car parking spaces and two loading/unloading (L/UL) spaces (one for light goods vehicle (LGV) and one for container vehicle (CV)) will be provided within the Site. LGV and CV deployed for the transportation of goods in/out of the Site will only be carried out beyond peak hours between 10:00 a.m. and 5:00 p.m.. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site to ensure that no vehicle will be allowed to queue back to or reverse onto/from the Site to the public road and staff will be deployed to station at the ingress/egress of the Site to direct incoming/outgoing vehicles to enhance pedestrian safety.
- 1.4 The applicant also applies for filling of land of 2,072m<sup>2</sup> (about 98% of the Site) with concrete of about 0.5m up to a level of +8.1mPD for site formation of the structure, vehicular circulation, parking and L/UL spaces (**Drawing A-3**). 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 site layout plan, landscape proposal and land filling plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 29.11.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 27.1.2025\* (**Appendix Ia**)
  - (c) FI received on 4.3.2025<sup>#</sup> (**Appendix Ib**)
- \* accepted but not exempted from publication and recounting requirements*  
*<sup>#</sup> accepted and exempted from publication and recounting requirements*
- 1.6 On 24.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ib**, and can be summarised as follows:

- (a) The applicant has conducted a thorough site search for relocation of the operation affected by HSK/HT NDA, but sites identified were considered not suitable due to

land use incompatibility, environmental concerns, land ownership and accessibility. The Site is considered suitable with its flat topography, close proximity to the original premises, easy accessibility and away from sensitive receivers. Although the area of the Site (about 2,124m<sup>2</sup>) and the proposed floor area (about 2,664m<sup>2</sup>) are slightly larger than that of the original premises (with site area and floor area of about 1,160m<sup>2</sup> and 2,016m<sup>2</sup> respectively), a substantial portion of the Site (about 37%) will be uncovered and reserved solely for circulation area.

- (b) The Site is geographically close to the border area with convenient access to nearby highway network, which could facilitate efficient local/cross-border movement of goods and the proposed use would attract investment from various industries.
- (c) There is no active agricultural use at the Site. The proposed use is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone and is not incompatible with the surrounding areas of unused land scattered with graves and railway facilities.
- (d) The proposed filling of land is necessary for site formation to meet the operational needs of the proposed use. The applicant will reinstate the Site upon expiry of the planning approval period.
- (e) The proposed use will not result in adverse traffic impact to the surrounding road network as the vehicular trips generated/attracted by the proposed use are expected to be minimal and with the implementation of the traffic arrangements mentioned in paragraph 1.3 above.
- (f) The proposed development will not result in adverse environmental impact on the surrounding areas. The applicant will comply with all environmental protection/pollution control ordinances and strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (CoP) issued by the Environmental Protection Department to minimise the possible adverse impacts and environmental nuisance to the nearby environment. The applicant will also follow the Professional Persons Environmental Consultative Committee Practice Notes (ProPECCPNs) No. PN 2/23 and ProPECCPNs 1/23 during the construction and operation stage respectively to minimise the impact on the nearby watercourse. A 2.5m high solid fence wall will be erected along the Site to minimise noise nuisance to the surrounding area.
- (g) Mitigation measures (i.e. submission of drainage and fire service installations proposals etc.) will be provided to mitigate any adverse impact arising from the proposed development.

### **3. Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is not a ‘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 currently not subject to any active planning enforcement action.

#### **5. Previous Application**

There is no previous application involving the Site.

#### **6. Similar Applications**

There are two similar applications (No. A/YL-KTS/946 and 1032) covering the same site for temporary warehouse for a period of three years (with No. A/YL-KTS/1032 also involved filling of land) within another “AGR” zone in the vicinity of the Site in the past five years. They were approved with conditions by the Committee on 19.5.2023 and 22.11.2024 respectively mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the site; the proposed use was not incompatible with the surrounding areas; relevant government departments consulted in general had no adverse comment and/or the concerns of relevant departments could be addressed by approval conditions; and policy support was given for the application to facilitate relocation of business operation displaced by government project. The planning permission for A/YL-KTS/946 was subsequently revoked due to non-compliance with time-limited approval conditions. Details of the applications are summarised in **Appendix II** and its location is shown on **Plan A-1**.

#### **7. The Site and Its Surrounding Areas (Plans A-2 to A-4)**

7.1 The Site is:

- (a) accessible from abutting Kam Ho Road via a local track; and
- (b) currently vacant and covered by overgrown vegetation.

7.2 The surrounding areas are occupied predominantly by woodland and graves as well as a nullah to the east of the Site across Kam Ho Road and the Pat Heung Maintenance Depot (PHMD) located to the further east.

#### **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 the Relevant Government Bureau/Departments**

- 9.1 Apart from the government bureau/department 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, if any, 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 Secretary for Development (SDEV):**

- (a) supports the application from policy perspective subject to no adverse comments on land use compatibility and technical aspects from concerned departments;
- (b) the application is to facilitate relocation of a brownfield operation providing warehouse service which is currently situated at various lots in D.D. 125 in Yuen Long. The brownfield operation will be affected by the Second Phase development of the HSK/HT NDA; and
- (c) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the businesses elsewhere, and the site under the current application is the most suitable relocation site. While the site area is larger than that of the original premises, it is noted a substantial portion of the Site will be uncovered and reserved solely for circulation area.

- 9.3 The following government department does not support the application:

**Agriculture and Nature Conservation**

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

- (d) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (e) the Site falls within the “AGR” zone and is abandoned. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.;

- (f) no comment from nature conservation perspective; and
- (g) advisory comments are in **Appendix IV**.

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

On 6.12.2024 and 7.2.2025, the application and the FI were published for public inspection. During the statutory public inspection periods, a total of six comments were received from the Kadoorie Farm & Botanic Garden Corporation (KFBGC) (with two identical submissions), the Conservancy Association, the Chairman of the Yuen Long Town Centre and Rural East Area Committee and an individual (with two submissions) (**Appendix V**). The KFBGC, the Conservancy Association and the individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; the Site is in close proximity to the Tai Lam Country Park/“Conservation Area” zone and railway facilities which should be kept green; the proposed use would cause adverse environmental impacts on the surrounding areas; and the compensation of six trees violates the 1:1 compensation requirement. The Chairman of the Yuen Long Town Centre and Rural East Area Committee indicates no comment on the application.

## **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**). 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 and the policy support given by SDEV, there is no objection to the proposed use on temporary basis of three years with associated filling of land.
- 11.2 According to the applicant, the application is to facilitate the relocation of a business operation affected by the Second Phase of HSK/HT NDA. The site area under the current application is larger than that of the affected business operation in Ha Tsuen, the applicant claims that a substantial portion of the Site (about 37%) will be uncovered and reserved solely for circulation area. To facilitate the relocation of brownfield operators displaced by the HSK/HT NDA Development, SDEV supports the application from policy perspective.
- 11.3 Filling of land in 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 and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the 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 are occupied predominantly by woodland, graves, nullah, road and the PHMD (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective considering that the proposed use is not entirely compatible with the surrounding landscape character but significant adverse impact on the existing landscape resources is not anticipated.
- 11.5 Other relevant government departments consulted including the Commissioner for Transport and Director of Fire Services 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 will also be advised to follow the CoP in order to minimise the potential environmental nuisance caused by the proposed use on the surrounding areas.
- 11.6 There are two similar applications within another “AGR” zone in the vicinity of the Site approved in 2023 and 2024 respectively as stated in paragraph 6 above. Approving the current application is generally in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments mentioned in paragraph 10 above, 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 mentioned in 10 above, PlanD has no objection to the application.
- 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 14.3.2028. 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 14.9.2025;
- (b) in relation to (a) 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 14.12.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site 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 14.9.2025;
- (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 14.12.2025;
- (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, including the removal of hard paving and fill materials and grassing of the site 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**

<b>Appendix I</b>	Application form with attachments received on 29.11.2024
<b>Appendix Ia</b>	FI received on 27.1.2025
<b>Appendix Ib</b>	FI received on 4.3.2025
<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>	Layout Plan
<b>Drawing A-2</b>	Landscape Proposal
<b>Drawing A-3</b>	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  
MARCH 2025**