

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1046

<u>Applicant</u>	: Star Fortune Construction Material Limited represented by Allgain Land Planning Limited
<u>Site</u>	: Lot 1384 S.A RP (Part) in D.D. 112 and Adjoining Government Land, Kam Sheung Road, Yuen Long, New Territories
<u>Site Area</u>	: About 440m ² (including Government land (GL) of 13m ² (about 3%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: 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 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 hard paved and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site abuts Kam Sheung Road (**Plans A-2 and A-3**). According to the applicant, the applied use involves a two-storey structure with floor area of about 750m² and building height of not more than 6m for storage of hardware supplies and construction materials. No parking space and loading/unloading space will be provided. No dangerous goods will be stored and no open storage, repairing, assembling, dismantling or workshop activities will be carried out at the Site. 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 applicant also applies for regularisation of filling of land for the entire Site with concrete with a depth of not more than 0.2m (from about 18mPD to about 18.2mPD) for erection

of the structure. 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 attachments received on 2.12.2024 (**Appendix I**)
- (b) Further Information (FI) received on 30.12.2024* (**Appendix Ia**)
- (c) FI received on 15.1.2025* (**Appendix Ib**)

** 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 FIs at **Appendices I to Ib**, and can be summarised as follows:

- (a) There are no active agricultural use at the Site. The applied 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 temporary structures and squatter huts. The applicant will comply with the approval conditions of the application.
- (b) There are similar applications for temporary warehouse in the vicinity of the Site within the same “AGR” zone approved by the Rural and New Town planning Committee (the Committee) of the Board.
- (c) The applied development will not result in adverse noise, traffic, and landscape impacts to the surrounding areas. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘Code of Practice’) issued by the Environmental Protection Department (EPD) to minimise the possible adverse impacts and environmental nuisance to the nearby environment.

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 Application

The Site is the subject of a previous application (No. A/Y-KTS/495) for temporary shop and services (real estate agency) for a period of three years approved with conditions by the Committee of the Board on 16.7.2010 and considerations of which are irrelevant to

the current application due to different use involved. Details of the application are in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Application

There is one similar application (No. A/YL-KTS/1023) for temporary warehouse (excluding dangerous goods godown) with associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years, which was approved with conditions by the Committee on 25.10.2024 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; and relevant government departments consulted in general had no adverse comment and/or the concerns of relevant departments could be addressed by approval conditions. Details of the application 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) abuts Kam Sheung Road; and
- (b) currently hard paved and occupied by the applied use without valid planning permission.

7.2 The surrounding areas are occupied predominantly by open storage, warehouses, trading and logistics company, storage yards, car service, animal boarding establishment, restaurant, residential developments named Seasons Palace and Park Ridges and residential structures, grassland, vacant land and gardening.

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 Departments

9.1 Apart from the government 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, if any, 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 contains an existing warehouse structure. 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 greenhouses, plant nurseries, etc.; and
- (c) no comment from nature conservation perspective.

9.3 The following government department conveys a local objection to the application:

District Officer’s Comments

9.3.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

his office has received an objection from locals which is same as one of the comments in **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 10.12.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received, including one from the Aviation Club of Hong Kong, China expressing concern on the height of the applied development from flight safety perspective, two from the Indigenous Inhabitant Representatives of Lin Fa Tei and an individual objecting the application mainly on the grounds that government land is involved, and the applied land filling and change of land use would cause traffic and environmental nuisance to the village residence (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for 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 applied 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 applied use on a temporary basis of three years could be tolerated.

- 11.2 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. An approval condition requiring the reinstatement of the Site to an amenity area is recommended in paragraph 12.2 should the Committee decide to approve the application.
- 11.3 The applied use is considered not incompatible with the surrounding areas which are occupied predominantly by open storage, warehouses, trading and logistics company, storage yards, car service, animal boarding establishment, restaurant, residential developments and structures, grassland, vacant land and gardening (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that the applied use is not incompatible with the surrounding landscape character and has no adverse comment to the application from landscape planning perspective.
- 11.4 Other relevant government departments consulted including the Commissioner for Transport, Director of Fire Services and Director-General of Civil Aviation (DG of CA) 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 ‘Code of Practice’ issued by EPD in order to minimise the potential environmental nuisance caused by the applied use on the surrounding areas.
- 11.5 There is one similar application within the same “AGR” zone in the vicinity of the Site which was approved with conditions in 2024 as stated in paragraph 6 above. Approving the current application is generally in line with the Committee’s previous decision.
- 11.6 Regarding the public comment on flight safety as mentioned in paragraph 10 above, DG of CA advises that the maximum level of the applied structure (i.e. below 6m) is in general compatible with the building heights in the surrounding areas and has no comment on the application. For other public comments and the local objection conveyed by DO(YL), HAD as mentioned in paragraph 9.3.1, the departmental comments and planning assessments above are also relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments conveyed by DO(YL), HAD and received as mentioned in paragraphs 9.3.1 and 10 above, PlanD considers that the applied 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 24.1.2028. 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 24.7.2025;
- (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 24.10.2025;
- (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 24.7.2025;
- (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 24.10.2025;
- (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 applied 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 attachments received on 2.12.2024
Appendix Ia	FI received on 30.12.2024
Appendix Ib	FI received on 15.1.2025
Appendix II	Previous and Similar application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	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
JANUARY 2025**