

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/1051

- Applicant** : Bay Area Yacht Club (HK) Company Limited represented by Goldrich Planners and Surveyors Limited
- Site** : Lot 299 RP (Part) in D.D. 113, Yuen Long, New Territories
- Site Area** : About 3,242m²
- 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) with Ancillary Office 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 office 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-1a**). 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, hard paved and partly fenced off (**Plans A-2 to A-4**).
- 1.2 The Site abuts Kam Ho Road (**Plan A-2**). According to the applicant, the proposed use is for storage of construction materials (including bamboo, scaffoldings, bricks, metals, sand, etc.), comprising a single-storey structure (not more than 9m in height) for warehouse and ancillary office uses with a total floor area of about 3,238m² (**Drawing A-1**). No dangerous goods will be stored and no open storage, repairing, assembling, dismantling or workshop activities will be carried out at the Site. The operation hours will be between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Three car parking spaces for medium goods vehicle (MGV) and sufficient manoeuvring space will be provided within the Site. The applicant also applies for regularisation of filling of

land for the entire Site with concrete in a depth of not more than 0.2m (with levels increased from about +12.0mPD to +12.2mPD for northern portion and from about +13.6mPD to +13.8mPD for southern portion) for site formation for erection of structures and vehicular circulation. Plans showing the layout and existing land filling submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with supplementary statement (**Appendix I**) received on 16.12.2024
- (b) Further Information (FI) received on 28.2.2025* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

1.4 On 14.2.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

2. Justifications from the Applicant

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

- (a) The proposed use serves to meet the strong demand for warehouse in Yuen Long area.
- (b) There were five similar applications No. A/YL-KTS/946, 959, 997, 1023 and 1032 for the similar temporary warehouse use approved by the Committee of the Board within the "AGR" zones in the vicinity of the Site between 2023 and 2024.
- (c) The proposed use is not incompatible with the surrounding uses which are intermix of warehouse, plant nursery, woodland and residential structures. No trees were observed within the Site. The proposed use is temporary in nature and approval of the current application will not frustrate the long-term planning intention of the "AGR" zone.
- (d) The applicant has submitted a drainage proposal to support the current application and a fire service installations proposal will be submitted upon approval of the current application. The applicant will follow the 'Code of Practice on and handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (the CoP) issued by the Environmental Protection Department (EPD). No visitor is allowed entering the Site. Potential impacts on drainage, traffic, fire safety and environment to the surrounding areas arising from the proposed use are not anticipated. Adequate measures will be provided by the applicant to mitigate adverse impact, if any, arising from the proposed use.

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 Member’s inspection.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

Major part of the Site was involved in four previous applications (No. A/YL-KTS/342, 357, 367 and 559) for temporary open storage and public car park uses. All of them were rejected by the Committee or the Board upon review between 2005 and 2012. The considerations of these applications were not relevant to the current application due to different uses involved. Details of the applications are summarized in **Appendix II** and their locations are shown on **Plan A-1b**.

6. Similar Applications

There are seven similar applications covering three sites (No. A/YL-KTS/946, 959, 997, 1020, 1032, 1048 and 1049) for temporary warehouse use with associated filling of land within the same “AGR” zone and other “AGR” zones on the same OZP in the past five years. All the similar applications were approved with conditions by the Committee between 2023 and 2025 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention; the proposed/applied 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 applications No. A/YL-KTS/946, 959 and 1032 to facilitate relocation of business operation displaced by government projects. Details of the similar applications are summarised in **Appendix II** and the locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) abutting Kam Ho Road; and
- (b) currently vacant, hard paved and partly fenced off.

7.2 The surrounding areas comprise predominantly structures for gardening, residential structures, open storage and yards, graves and woodland. To the east of the Site across Kam Ho Road and a nullah is the Pat Heung Depot of the MTR Tuen Ma Line.

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 Departments

- 9.1. Apart from the government departments 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, if any, are provided in **Appendices III** and **IV** respectively.
- 9.2. The following government departments do 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 abandoned. 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.;
- (c) no comment on the planning application from nature conservation perspective; and
- (d) advisory comments are in **Appendix IV**.

Environment

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

- (a) does not support the application in accordance with the latest CoP as there are residential structures within 100m from the boundary of the Site and it is understood that the proposed use would cause traffic of

heavy vehicles (3 parking spaces for medium goods vehicles are proposed at the Site), it is anticipated that the proposed use would cause environmental nuisance to the residential structures nearby;

- (b) no comment on the filling of land under the planning application;
- (c) there was no environmental complaint concerning the Site received in the past three years; and
- (d) advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 24.12.2024, the application was published for public inspection. During the statutory public inspection period, four public comments from the Conservancy Association, an indigenous inhabitant of Ma On Kong and two individuals were received, all objecting 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 close to “Conservation Area” and “Green Belt” zones and the proposed use would cause adverse ecological, environmental and landscape impacts; the proposed use is incompatible to the surrounding area and will induce nuisance and increase fire risk; approval of the application would set an undesirable precedent; there is no justification for approving brownfield uses in this zone; and the area forms part of a fung-shui forest. (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office 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 “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the proposed use on temporary basis of three years with associated filling of land.
- 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 Drainage Services Department and DEP have no objection to the application from public 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 should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which comprise predominantly structures for gardening, residential structures, open storage and yards, graves and woodland. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that the

proposed use is not incompatible with the surrounding landscape character and significant adverse landscape impact on existing resources arising from the proposed use is not anticipated and hence there is no objection to the application from landscape planning perspective.

- 11.4 DEP does not support the application as the proposed use involves the use of heavy vehicles, which would cause environmental nuisance to the sensitive receivers nearby (**Plan A-1**). Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. 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. Should the application be approved, the applicant will also be advised to follow the CoP issued by EPD to minimise possible environmental nuisance generated by the proposed use on the surrounding areas.
- 11.5 There are seven approved similar applications within the same “AGR” zone and other “AGR” zones on the same OZP in the past five years as stated in paragraph 6 above. Approving the current application is generally in line with the Committee’s previous decisions.
- 11.6 For 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 above and having taken into account the public comments mentioned in paragraph 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 11.4.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised 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 11.10.2025;
- (b) in relation to (a) above, the implementation of the revised 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 11.1.2026;
- (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 11.10.2025;
- (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 11.1.2026;
- (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

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| Appendix I | Application Form with Supplementary Information received on 16.12.2024 |
| Appendix Ia | FI received on 28.2.2025 |
| Appendix II | Previous and Similar Applications |
| 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-1a | Location Plan and similar applications |
| Plan A-1b | Previous Applications Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
APRIL 2025**