

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/993

<u>Applicant</u>	: Tsui Yat Wah represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lot 403 RP (Part) in D.D. 103 and Adjoining Government Land (GL), Kam Tin, Yuen Long, New Territories
<u>Site Area</u>	: About 9,000m ² (including GL of about 1,068m ² or 11.8%)
<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>	: Proposed Temporary Logistics Centre for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary logistics centre 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 partially fenced-off, partially paved and largely vacant with some temporary structures and parking of vehicles (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the planning application is to facilitate the relocation of the business operation at a Site in Yuen Long being affected by government project, i.e. Second Phase of Yuen Long South New Development Area (YLS NDA). The affected operation involves a total site area of about 9,290m².
- 1.3 The Site is accessible from Kam Tin Road via a local track (**Drawing A-3, Plans A-1 and A-2**). According to the applicant, the proposed use includes two single-storey structures (about 3m to 13m in height) with a total floor area of about

7,020m² for logistics centre and toilet (**Drawing A-1**). No workshop activities will be carried out at the Site. Amongst the 169 existing trees currently within the Site, 24 trees are proposed to be retained while 145 trees generally in fair conditions are proposed to be felled. Compensatory planting with a total of 166 trees (89 whip trees and 77 standard trees) is proposed within the Site along the site boundary (**Drawing A-2**). Four private car parking spaces and four loading/unloading (L/UL) spaces for medium and heavy goods vehicles will be provided within the Site (**Drawing A-1**). The proposed operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The proposed layout plan, proposed compensatory planting plan and vehicular routing plan submitted by the applicant are at **Drawings A-1, A-2 and A-3** respectively.

- 1.4 The applicant also proposes to fill the entire site with concrete with a depth of not more than 0.2m up to a level of 7.5mPD to 15.0mPD for site formation to facilitate the proposed temporary use (**Drawing A-4**).
- 1.5 The Site is involved in a previous application No. A/YL-KTS/624 submitted by a different applicant for proposed filling of pond and land for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction for a period of three years which was rejected by the Board upon review on 6.6.2014 (details at paragraph 6 below).
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with supplementary information (**Appendix I**) received on 6.2.2024
 - (b) Further Information (FI) received on 4.6.2024 and (**Appendix Ia**) 5.6.2024*
 - (c) FI received on 30.9.2024* (**Appendix Ib**)

**accepted but not exempted from publication and recounting requirements*
- 1.7 On 5.4.2024 and 2.8.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's requests to defer making a decision on the application for two months each to address departmental comments.

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**. They can be summarised as follows:

- (a) the current application aims to relocate an existing warehouse operation affected by the Second Phase of the YLS NDA;
- (b) there are similar applications for brownfield operations approved in the vicinity of the Site. The proposed development is compatible with the surrounding environment and significant portion of the Site will be enclosed;

- (c) the Site is classified as ‘Category 2 Area’ under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13G); and
- (d) adverse traffic, environmental and drainage impacts are not anticipated. No workshop activities will be conducted at the Site and there is no operation during sensitive hours. Adequate circulation space is reserved near the ingress/egress for manoeuvring of medium/heavy good vehicles.

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

The applicant is not a ‘current land owner’ but has 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 Kam Tin 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. Town Planning Board Guidelines

The Town Planning Board Guidelines No. 13G for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under the Guidelines. Relevant extracts of the Guidelines are at **Appendix II**.

6. Previous Application

The Site is involved in one previous application No. A/YL-KTS/624 for proposed filling of pond and land for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction a period of three years covered a slightly larger area including the Site, which was rejected by the Board upon review on 6.6.2014. Considerations for that application are not relevant to the current application which involves a different use. Details of the previous application are summarised in **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Application

There is no similar application for temporary logistic centre within the subject “AGR” zone.

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

8.1 The Site is:

- (a) accessible from Kam Tin Road via local track;
- (b) currently partially fenced-off, partially paved and largely vacant with some temporary structures and parking of vehicles; and
- (c) situated in an area with a 400kV overhead lines (OHL) running across the western part of the Site.

8.2 The surrounding areas comprise predominantly open storage, warehouse, Au Tau Treatment Works, animal boarding establishment and scattered residential structures which most of them are temporary structures.

9. Planning Intention

9.1 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.

9.2 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.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 below, other government 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 at **Appendices IV and V respectively**

10.2 The following government bureau supports the application:

Policy Support

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a business operation for warehouse in Yuen Long (namely 立揚物流(環球)股份有限公司), which is currently situated at various lots in D.D. 121 in Yuen Long with an occupation area of about 9,132m² and will be affected by the Second Phase of YLS NDA;

- (b) according to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere to pave way for the clearance under the Second Phase of YLS NDA, and the Site under the current application is the most suitable relocation site. The Site is also of similar size as the one to be cleared by the Government; and
- (c) in view of the above and subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

10.3 The following government departments do not support the application:

Agriculture and Nature Conservation

10.3.1 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
- (c) no comment on the planning application from nature conservation perspective.

Environment

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

- (a) according to the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (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 applicant should note his advisory comments in **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 16.2.2024, 18.6.2024 and 8.10.2024, the application was published for public inspection. During the statutory public inspection periods, a total of 11 public comments were received from the Kadoorie Farm & Botanic Garden Corporation (KFBGC), the Conservancy Association, World Wildlife Fund for Nature Hong Kong (WWFHK), villagers of Ko Po San Tsuen and an individual (**Appendix VI**). The villagers of Ko Po San Tsuen and an individual object to the application mainly on the grounds that the proposed development would involve tree felling without any detailed information; and there are potential adverse traffic and road safety, environmental and drainage impacts resulting from the proposed development. The KFBGC objects to the application mainly for the reason that the development is not in line with the planning intention; it does not comply with relevant Board's guidelines; the applicant fails to demonstrate that the development would not generate adverse impacts on the surrounding areas; and suggests the Board to investigate whether there is ongoing enforcement case and unauthorized activities at the Site. The WWFHK objects to the application that there are suspected unauthorized development at the Site. The Conservancy Association express concerns on potential adverse impacts on drainage and watercourse and the plan of reinstatement upon use.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed logistics centre 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. 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. According to the applicant, the application is to facilitate the relocation of the business operation in Yuen Long affected by the Second Phase of YLS NDA. The site area is similar to the affected business premises in YLS. From the perspective of facilitating relocation of business operation affected by the government development project, SDEV supports the application. Taking into account the planning assessments below and with the policy support given by SDEV, the proposed use for a temporary period of three years could be tolerated.
- 12.2 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 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 13.2 below should the Committee decide to approve the application.
- 12.3 The proposed development is considered not incompatible with the surrounding areas which comprise predominantly open storage, warehouse, Au Tau Treatment

Works, animal boarding establishment and scattered residential 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 with the proposed compensatory planting (**Drawing A-2**).

- 12.4 DEP does not support the application as there are sensitive receivers of scattered residential structure 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 applicant will be advised to follow the COP to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.
- 12.5 The Site falls within Category 2 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:
- Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.6 The application is considered generally in line with TPB PG-No. 13G in that the 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, and DEP's concerns could be addressed as mentioned in paragraph 12.4 above. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.7 For the public comments mentioned in paragraph 11 above, the Site is not subject to any active enforcement action and the departmental comments and planning assessments above are also relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the proposed use could be tolerated for a period of three years.
- 13.2 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 8.11.2027. 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 8.5.2025;
- (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 8.8.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the 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 8.8.2025
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) 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 V**.

- 13.3 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.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form with Supplementary Information received on 6.2.2024
Appendix Ia	FI received on 4.6.2024 and 5.6.2024
Appendix Ib	FI received on 30.9.2024
Appendix II	Relevant Extracts of TPB-PG No. 13G
Appendix III	Previous Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Compensatory Planting Plan
Drawing A-3	Vehicular Routing Plan
Drawing A-4	Proposed 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**