

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1036

- Applicant** : Eastime Engineering Limited represented by Chief Force Limited
- Site** : Various Lots in D.D. 110, Tsat Sing Kong, Pat Heung, Yuen Long
- Site Area** : About 30,211m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Warehouse (excluding Dangerous Goods Godown) and Open Storage of Construction Materials and Machineries 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) and open storage of construction materials and machineries 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 or development of any land or building 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 paved and occupied by temporary structures, construction materials and machineries for the applied uses with a valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road via a local track (**Plan A-1**). According to the applicant, the applied uses involve six structures of one to two storeys (height ranging from 3m to 15m) for warehouses, ancillary office and facilities, and fire service installations (FSIs) facilities with a total gross floor area of about 3,170m² (**Drawing A-1**). Three parts of the Site with a total area of about 20,486m² (67.8%) are proposed for open storage uses. The applicant also applies for associated filling of land for about 86.6% of the Site (26,170m²) for not more than 0.1m from

+27.9mPD to +28mPD for site formation¹ (**Drawing A-2**). Eight parking spaces for private cars (each of 5m × 2.5m), ten parking spaces for light goods vehicles (each of 7m × 3.5m) and four parking spaces for medium/heavy goods vehicles (each of 11m × 3.5m) are proposed within the Site. The 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. According to the tree preservation and landscape proposal submitted by the applicant, all the 16 existing trees along the northwestern fringe of the Site will be retained, and a total of 96 new trees will be planted along the eastern, western and southwestern site boundary to provide buffer areas between the applied uses and the agricultural land to the east and the village houses in Tsat Sing Kong to the west of the Site (**Drawing A-3**). No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted and no dangerous goods will be stored at the Site. The layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 According to the applicant, the current application is to facilitate the relocation of an existing business operation which is affected by the implementation of the Yuen Long South (YLS) development. The affected operation involves a total site area of about 24,155m² which is comparable with the size of the Site (i.e. about 30,211m²). In this regard, major part of the Site has been identified by the current applicant as a relocation site for the affected operation and the Secretary for Development (SDEV) has rendered policy support to the relevant previous application (No. A/YL-PH/960), which was submitted by the current applicant for the same uses with associated filling of land. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 11.9.2023 and the planning permission is valid until 11.9.2026. However, as there are material changes in site area/boundary, layout and major development parameters of the applied uses, a fresh application is required (details at paragraphs 2 and 6 below). A comparison of the major development parameters of the previously approved application and the current application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-PH/960 (a)	Current Application No. A/YL-PH/1036 (b)	Difference (b) – (a)
Site Area	33,335m ²	30,211m ²	-3,124m² (-9.4%)
Total Floor Area	720m ²	3,170m ²	+2,450m² (+340.3%)
Area for Open Storage	18,821m ²	20,486m ²	+1,665m² (+8.8%)
Height of Structures	Not more than 6m (one storey)	3m to 15m (one to two storeys)	+9m (+150%)

¹ According to the applicant, about 87% of the filled area (22,870m²) was filled under the previous approval (No. A/YL-PH/960), and about 13% of the filled area (3,300m²) falls within the extended site area under the current application and is applied for regularisation (**Drawing A-2**).

Major Development Parameters	Previously Approved Application No. A/YL-PH/960 (a)	Current Application No. A/YL-PH/1036 (b)	Difference (b) – (a)
No. of Structures	4	6	+2 (+50%)
Use of the Structures	warehouse, ancillary office and facilities	warehouse, ancillary office and facilities, FSI's facilities	As shown
Parking Spaces	8 for private cars (5m x 2.5m) 10 for light goods vehicles (7m x 3.5m) 4 for heavy goods vehicles (11m x 3.5m)		No change

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

- (a) Application Form with Supplementary Statement received on 28.10.2024 (**Appendices I and Ia**)
- (b) Further Information (FI) received on 17.12.2024* (**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, Supplementary Statement and FI at **Appendices I to Ib**, and can be summarised as follows:

- (a) The application is to facilitate the relocation of an existing brownfield operation for warehouse and open storage of construction materials and machineries which is affected by the implementation of the YLS development. Should the current application be approved, the relocation to the Site is targeted to be completed by February 2025 tentatively.
- (b) Part of the Site under the previously approved application (No. A/YL-PH/960) has been reclaimed by the land owners and is not available for the applied uses, and the originally proposed total floor area for the ancillary facilities is considered insufficient to support the proposed brownfield operation. Therefore, a fresh application is submitted for the revised proposal.
- (c) A FSI's proposal, drainage impact assessment, and tree preservation and landscape proposal have been submitted in support of the current application. The applicant will comply with the approval conditions to be imposed and will apply for Short Term Waiver for the applied uses at the Site should the current application be approved.

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

The applicant is not the “current land owner” of the Site but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing newspaper notices and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13G) promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 3 areas under TPB PG-No. 13G, and the relevant extract of which is at **Appendix II**.

5. Background

The Site is not subject to any planning enforcement action.

6. Previous Applications

- 6.1 Part of the Site is the subject of two previous applications (No. A/YL-PH/366 and 960). Application No. A/YL-PH/366 for open storage use of vehicles for disposal which was rejected by the Board upon review in September 2001 mainly on the grounds that the proposed use was not compatible with the surrounding areas predominantly rural in character with agricultural land; and there was insufficient information to demonstrate the proposed use would not have adverse drainage and environmental impacts on the surrounding areas.
- 6.2 The last previous application (No. A/YL-PH/960) submitted by the current applicant for relocation of a brownfield operation affected by YLS development was approved with conditions by the Committee on 11.9.2023 mainly on the considerations that SDEV rendered policy support to the application; the proposed use with associated filling of land was not incompatible with the surrounding uses; the concerned government departments consulted in general had no adverse departmental comments or technical concerns could be addressed by relevant approval conditions; and the proposed use was generally in line with the TPB PG-No. 13G. The planning permission is valid until 11.9.2026. The approval conditions on submission and implementation of the FSIs proposal have been complied with. However, due to the reason stated in paragraphs 1.3 and 2(b) above, a fresh application is required for the revised proposal. Compared with the last previous application, the current application involves a different site configuration, a reduction in site area, a substantial increase in gross floor area, additional temporary structures to be erected, an increase in building height and changes to the layout. Details of these previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are two similar applications (No. A/YL-PH/825 and 936), involving the same site, for temporary open storage uses (including renewal of planning approvals granted by the Board) within the “AGR” zone in the vicinity of the Site in the past five years. The two applications were approved with conditions by the Committee on 17.1.2020 and 13.1.2023 respectively, mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed/applied use was not incompatible with the surrounding uses; and the concerned government departments consulted in general had no adverse departmental comments or technical concerns could be addressed by relevant approval conditions. Details of these similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**.
- 7.2 Other than the similar applications mentioned in paragraph 7.1 above, application No. A/YL-PH/1035 for the same temporary warehouse and open storage uses as the current application within the “AGR” zone on the OZP will be considered at the same meeting (**Plan A-1**).

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

- 8.1 The Site is:
- (a) paved and occupied by temporary structures, construction materials and machineries for the applied uses with a valid planning permission; and
 - (b) accessible from Kam Tin Road via a local track.
- 8.2 The surrounding areas are rural in character with an intermix of open storage/storage yards, shop and services (with valid permissions under applications No. A/YL-PH/972 and 984), a vehicle park (with valid permission under application No. A/YL-PH/1008), agricultural land, vacant land, grassland and woodland, as well as the village houses in Tsat Sing Kong to the west of the Site.

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 “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 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 V and VI** respectively.

10.2. The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the current application is mostly in line with the previously approved application (No. A/YL-PH/960) and to facilitate relocation of a business operation for warehouse in Yuen Long, which will be affected by the YLS First Phase and Second Phase Development; and
- (b) 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:

Environment

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

- (a) does not support the application in accordance with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” as there are sensitive receivers in the vicinity (i.e. a residential structure is about 5m southwest of the Site) and the application involves four parking spaces for heavy goods vehicles. Thus, environmental nuisance is expected;
- (b) no objection to the filling of land from environmental perspective;
- (c) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (d) advisory comments are at **Appendix VI**.

Agriculture and Nature Conservation

10.3.2 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 active constructions work and structures. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as greenhouses, plant nurseries, etc.; and
- (c) no comment on the application from nature conservation perspective.

11. Public Comments Received During Statutory Publication Period

On 8.11.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VII**). One of the public comments received from the Conservancy Association objects to the application mainly on the grounds that the applied uses are not in line with the planning intention of “AGR” zone and the TPB PG-No. 13G under which the Site is within Category 3 areas; and the applied uses would cause adverse environmental impacts in particular on sewage, watercourse, drainage and noise aspects. Another public comment received from an individual expresses that the approval conditions of the previous application have not been complied with since the approval in 2023.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary warehouse (excluding Dangerous Goods Godown) and open storage of construction materials and machineries with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-1**). The planning intention of “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 applied uses are not in line with the planning intention of the “AGR” zone and the DAFC does not support the application from agricultural perspective. Notwithstanding this, according to the applicant, the application is to facilitate the relocation of an existing brownfield operation affected by the implementation of the YLS development. With the policy objective of ensuring timely development of YLS and delivery of housing yield, as well as facilitating the continued operation of displaced brownfield operations, SDEV supports the application from policy perspective. Taking into account the policy support rendered by SDEV and the planning assessments below, the applied uses on a temporary basis of three years may warrant sympathetic consideration and 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. According to the applicant, the entire Site has already been filled as permitted under the previous application (No. A/YL-PH/960) and no further filling of land is required. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage point of view and DEP has no objection to the

filling of land from environmental perspective. Should the Committee decide to approve the application, an approval condition requiring reinstatement of the Site to an amenity area upon expiry of the planning permission is recommended.

- 12.3 The applied uses are considered not incompatible with the surrounding land uses which are rural in character with an intermix of open storage/storage yards, shop and services, a vehicle park, agricultural land, vacant land, grassland and woodland, as well as village houses in Tsat Sing Kong to the west of the Site. The applicant proposes that all 16 existing trees along the northwestern fringe of the Site will be retained and 96 new trees will be planted along the eastern, western and southwestern boundary of the Site, all together can provide a buffer area between the applied uses and the agricultural land to the east and the village houses in Tsat Sing Kong to the west of the Site. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment to the application from landscape planning perspective and considers that further significant landscape impact arising from the applied uses are not anticipated.
- 12.4 DEP does not support the application as the applied uses involve the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected. Nonetheless, there was no substantiated environmental complaint concerning the Site in the past three years. Should the application be approved, the applicant will be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the potential environmental nuisance caused by the applied uses on the surrounding areas. 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, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 The Site falls within Category 3 areas under TPB PG-No. 13G. The following guidelines are relevant:

Category 3 areas: applications would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Having considered that the open storage and port back-up uses have a role to play in Hong Kong’s economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to those applications meeting the following criteria: (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and (ii) no adverse departmental comments and local objections, or the concern could be addressed by approval conditions.

- 12.6 The application generally complies with TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of the affected uses to the Site, and there is no major adverse departmental comment on the application and their concerns can be addressed through imposition of approval conditions.
- 12.7 Major part of the Site is the subject of one previously approved application submitted by the same applicant for the same uses with associated filling of land to facilitate the relocation of the existing brownfield operation affected by the implementation of the YLS development, which was approved with conditions by the Committee in 2023 and the planning permission is valid until 2026. The approval conditions on submission and implementation of the FSIs proposal have been complied with. Although the current application involves changes to the site configuration, site area, major development parameters and layout as mentioned in paragraphs 1.3 and 6.2 above, the planning considerations are still relevant for the current application. There are also two approved similar applications for temporary open storage uses as mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee's previous decisions.
- 12.8 Regarding the public comments objecting to or expressing concerns on the application as mentioned in paragraph 11, the departmental comments and planning assessments above are 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, PlanD considers that the applied uses 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 20.12.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised drainage impact assessment 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 20.6.2025;
- (b) in relation to (a) above, the implementation of the revised drainage proposal identified in the drainage impact assessment 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 20.9.2025;
- (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 provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 31.1.2025;
- (e) the submission of a revised 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 20.6.2025;
- (f) in relation to (e) 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 20.9.2025;
- (g) 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;
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (i) 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 VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied uses with associated filling of land are not in line with the planning intention of "AGR" zone, which is intended 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. No strong planning justification has been given in the submission for a departure from the planning intention of "AGR" zone, 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

Appendices I and Ia	Application Form with Supplementary Statement received on 28.10.2024
Appendix Ib	FI received on 17.12.2024
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	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
DECEMBER 2024**