

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/739

- Applicant** : Real River Limited represented by R-riches Property Consultants Limited
- Site** : Various Lots in D.D. 126 and adjoining Government Land (GL), Ping Shan, Yuen Long
- Site Area** : About 41,010m² (including GL of about 914m² (2.2 %))
- Lease** : Block Government Lease (demised for agricultural purposes)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Open Storage of Vehicles with Ancillary Facilities for a Period of 3 Years and associated Filling of Land and Pond

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of vehicles with ancillary facilities for a period of three years and associated filling of land and pond at the application site (the Site) zoned “REC” 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 permission from the Town Planning Board (the Board). Filling of land and filling of pond within the “REC” zone also require planning permission from the Board. The Site is currently largely vacant and vegetated, with a formed area sandwiched by two wetland areas at the northeastern part of the Site (**Plans A-2 and 4b**).
- 1.2 According to the applicant, the Site is accessible from Tin Wah Road via a local track with the ingress/egress at the northwestern part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposed use is for open storage of about 2,250 brand-new vehicles including private cars, light goods vehicles (LGVs) and light buses (LBs) which accounts for about 28,378m² (i.e. about 69% of the site area). A single-storey structure with a floor area of about 18m² (3m in height) for guardroom use and two private car parking spaces for staff will be provided. The vehicles to be stored at the Site will be delivered by container vehicles during

non-peak hours. Sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will queue back to or reverse onto/from the Site to the public road. The operation hours are 9 a.m. to 6 p.m. from Mondays to Saturdays and there is no operation on Sundays and public holidays.

- 1.3 According to the applicant, the current application is to regularise the dried ponds (about 13,394m²) in the Site which had already been naturally filled by soil to the current condition since 1990s. Moreover, the applicant proposes further filling of 77% of the Site (about 31,764m²) including both land and filled dried pond areas with concrete of not more than 0.1m in depth for minimal site formation works to meet the operation need of the proposed use. No further filling of pond will be carried out. The proposed site levels will range from +5.9mPD to +9.8mPD upon filling of land and pond. Two wetland areas at the northeastern portion of the Site (about 9,246m² or 22.5% of the site area) will be preserved with 2m-wide buffer area with fencing along the periphery of the wetland areas (**Drawings A-5 and A-7**). Besides, the applicant undertakes to reinstate the Site to amenity area upon expiry of the planning permission.
- 1.4 According to the landscape proposal submitted by the applicant, no old and valuable tree or protected species are identified at the Site. To mitigate the adverse landscape impact arising from the proposal, 42 new trees are proposed to be planted along the periphery of southeastern portion of the Site (**Drawing A-9**).
- 1.5 The location plan with vehicular access, location plan of the affected business, site search plan, site plan under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13G), comparison of aerial photos, proposed layout plan, plan showing the filling of land and pond, swept path analysis and landscape proposal submitted by the applicant are shown at **Drawings A-1 to A-9**.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 15.11.2024 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Further information (FI) received on 11.2.2025 (**Appendix Ib**)
[accepted but not exempted from publication and recounting requirements]
- 1.7 On 10.1.2025, 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 SPS and FI at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) The applicant's original premises which is covered by a valid planning permission under application No. A/YL-PS/653 for the same use is affected by land resumption for the Tin Tsz Road (TTR) public housing development (**Drawing A-2**). The current application is intended to facilitate the relocation process and to pave way for implementation of the public housing development.
- (b) The applicant has spent effort in identifying suitable sites for relocation and there is no alternative site available in terms of site level difference, distance and accessibility.
- (c) The site area is similar to that of the original premises and the proposed use remains unchanged.
- (d) No significant adverse impact is anticipated from the proposed development.
- (e) The proposed use is temporary in nature and is not incompatible with surrounding land uses. Therefore, it would not frustrate the long-term planning intention of the "REC" zone.

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 publishing notices in local newspapers and sending notices to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. Background

Part of the Site is the subject of planning enforcement case (No. E/YL-PS/757) against unauthorized development (UD) involving filling of land (**Plan A-2**). Reinstatement Notice has been issued requiring reinstatement of the concerned land. If the notice is not complied, follow-up action will be considered.

5. Town Planning Board Guidelines

5.1 The Town Planning Board Guidelines for "Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance" (TPB PG-No. 12C) are relevant to this application. According to the said Guidelines, the Site falls within the Wetland Buffer Area (WBA). Relevant extract of the Guidelines is at **Appendix II**.

5.2 TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the

application. The Site falls within Category 3 area under TPB PG-No. 13G. The relevant extracts of the Guidelines are attached at **Appendix III**.

6. Previous Applications

Part of the Site was involved in three previous applications (No. A/YL-PS/297, 374 and 473) for temporary war game centre which were approved by the Committee between 2009 and 2015. The considerations of these previous applications are not relevant to the current application which involves a different use. Details of these previous applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1**.

7. Similar Application

There is one similar application (No. A/YL-PS/721) within the same “REC” zone for temporary open storage of construction materials (metal) for a period of three years approved with conditions by the Committee in the past five years mainly on the considerations that the proposed use would not frustrate the long-term planning intention of the “REC” zone; the proposed use would unlikely create significant adverse landscape, environmental and fire safety impacts on the surrounding areas; the proposed use was not entirely incompatible with the surrounding areas; and relevant government departments had no adverse comment on/no objection to the application. Details of the application are summarised at **Appendix IV** and the location of the site is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) largely vacant and vegetated with a formed area sandwiched by two wetland areas at the northeastern part of the Site; and
- (b) accessible from Tin Wah Road via a local track (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly vegetated land, wetland, ponds, vacant land and unused land intermixed with residential dwellings, open storage yard and an archery field. Some of the uses are suspected UDs subject to planning enforcement action; and
- (b) to the east of the Site is the village settlement of Shing Uk Tsuen.

9. Planning Intention

9.1 The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the

recreational developments may be permitted subject to planning permission.

- 9.2 According to the Explanatory Statement of the OZP, filling of land/pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment, 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 to 10.4 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments 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 submitted on behalf of an operator whose operation will be displaced by the planned TTR public housing development. According to the applicant, the operator is engaged in business involving storage of vehicles. Having learned that its operation would be affected, the operator has conducted an extensive site search for suitable sites to relocate its business, and ultimately selected the Site as it is considered the most suitable for temporary open storage of vehicles with ancillary facilities;
- (b) the applicant is of the view that although the relocation site is zoned “REC”, the proposed temporary use would not frustrate the long-term planning intention of the “REC” zone. The applicant also considers that the proposed temporary use is not incompatible with the surrounding areas, and will not create significant adverse traffic and environmental impacts. A drainage proposal will be submitted to mitigate potential drainage impact;
- (c) the land on which the operation originally runs (“Original Site”) is within the area for the planned TTR public housing development . Should the Original Site be resumed, the land freed up by the displaced operation will, together with other cleared land, be redeveloped for the said public housing project; and
- (d) under the policy directive of “providing monetary compensation in parallel with facilitation service”, the Government would step up assistance provided to brownfield operators who are affected by government

projects and intend to relocate their businesses elsewhere, considering that these operations being displaced support various industries and have contributed positively to Hong Kong's economy and job market. If the operator of the current application could relocate its operation, it would help facilitate smooth resumption of land for the aforesaid planned public housing development. To this end, the application is supported.

- 10.3 The following government department has adverse comments on the application:

Environment

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

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located about 52m to its east) (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles; environmental nuisance is expected;
- (b) there was no environmental complaint concerning the Site received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

- 10.4 The following government department has comments on the application:

Landscape

- 10.4.1 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) no objection to the application subject to policy support has been obtained. Should the application be approved by the Board, an approval condition requiring the applicant to submit and implement a tree preservation and revised landscape proposal to the satisfaction of the Director of Planning should be imposed; and
- (b) it is noted that the dense existing vegetation and trees in the Site will be removed due to the proposal and no tree preservation plan has been submitted. However, according to the applicant, it is proposed that the existing wetland areas at the northeastern part of the Site will be preserved and 42 new trees along the periphery of southeastern portion of the Site will be planted to provide screening for the adjacent "Village Type Development" zone and to mitigate the landscape impact (i.e. removal of the existing landscape

resources) arising from the proposal.

11. Public Comments received During the Statutory Publication Periods

On 22.11.2024 and 25.2.2025, the application was published for public inspections. During the statutory public inspection periods, a total of 53 public comments (**Appendix VII**) from Kadoorie Farm and Botanic Garden Corporation, the Conservancy Association and individuals were received. All of them object to the application on the grounds that the Site falls within conservation-related areas; the proposed use will cause disturbance to the natural habitats in the vicinity; potential adverse ecological and environmental nuisance to the surroundings; adverse traffic, noise and safety impacts; and there is insufficient information to justify how the proposed use complies with the requirements under Category 3 areas of TPB PG-No. 13G.

12. Planning Considerations and Assessments

- 12.1 The application is for a proposed temporary open storage of vehicles with ancillary facilities for a period of three years and associated filling of land and pond at the Site zoned “REC” on the OZP. According to the applicant, the application is to facilitate the relocation of business operation affected by the TTR Public Housing Development. The applicant has conducted a site selection process before identifying the Site as the most suitable relocation site. The Site is located in proximity to the current operation and the size of the Site (i.e. about 41,010 m²) is comparable to its current operation (i.e. about 45,870 m²). To facilitate smooth clearance for the TTR public housing development and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from policy perspective. Although the proposed use is not in line with the planning intention of the “REC” zone, there is no known development proposal for the Site in the “REC” zone. In view of the above and with the policy support from SDEV, approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the “REC” zone.
- 12.2 The current application also seeks planning permission for regularisation of filling of pond which had already taken place in 1990s and for proposed filling of 77% of the site with concrete with a depth of about 0.1m for minimal site formation works. Planning permission is required for filling of land and pond within “REC” zone as they may cause adverse drainage impacts on the adjacent areas and adverse impacts on the environment. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no in-principle objection to the ~~application~~ **proposed filling of land and pond** from drainage and environmental perspectives respectively.
- 12.3 The Site is situated in an area surrounded by vegetated land, vacant land, unused land and ponds intermixed with residential dwellings, open storage yard and an archery field (**Plan A-2**). The proposed open storage of brand-

new vehicles is not entirely incompatible with the surrounding areas.

- 12.4 The Site falls within the WBA of TPB PG-No. 12C, applications for new open storage uses within the WBA would normally not be allowed in view of the adverse disturbances of such activities on birds. In this regard, the applicant has proposed appropriate mitigation measures to minimise potential adverse ecological impact to the surroundings including to preserve two existing wetland areas at the northeastern portion of the Site; to provide 2m buffer areas along the periphery of the wetland areas with fencing; and to reinstate the Site to amenity area suitable for recreation use upon expiry of the planning permission. The Director of Agriculture, Fisheries and Conservation and CTP/UD&L of PlanD have no adverse comment on the application from ecological and landscape perspectives respectively. To address the concern of CTP/UD&L of PlanD on the adverse landscape impact (i.e. removal of the existing landscape resources) arising from the proposal, approval conditions requiring the submission and implementation of a tree preservation proposal and a revised landscape proposal are recommended should the Committee decide to approve the application.
- 12.5 The Site falls within Category 3 areas under TPB PG-No. 13G. The following considerations in the 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 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 is considered generally in line with TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of the affected uses/operations to the Site, other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to or adverse comment on the application from traffic and fire safety perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise the possible environmental nuisance caused by the proposed use on the surrounding areas and to keep the Site clean and tidy at all times.
- 12.7 A similar application for temporary open storage use within the same "REC" zone was approved in the past five years as mentioned in paragraph 7 above.

While the similar application does not fall within WBA of TPB PG-No. 12C, other relevant planning considerations are considered generally applicable to the current application. Approval of the current application is in line with the Committee's previous decision.

- 12.8 Regarding the public comments as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.7 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 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 **11.4.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a 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 **11.10.2025**;
- (b) in relation to (a) above, the implementation of the drainage facilities as identified in the submitted 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 **11.1.2026**;
- (c) in relation to (b) above, the implemented drainage facilities 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 **23.5.2025**;
- (e) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **11.10.2025**;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **11.1.2026**;

- (g) the submission of a tree preservation proposal and a revised landscape proposal within **6** months from the date of planning approval and before the commencement of works to the satisfaction of the Director of Planning or of the Town Planning Board by **11.10.2025**;
- (h) in relation to (g) above, the implementation of the tree preservation proposal and the revised landscape proposal within **9** months from the date of the planning approval and before the commencement of works to the satisfaction of the Director of Planning or of the Town Planning Board by **11.1.2026**;
- (i) 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; and
- (j) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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.

Advisory clauses

The Recommended Advisory Clauses are attached 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 proposed use with associated filling of land and pond is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of general public. No strong planning justification has been provided in the submission for a departure from the planning intention of "REC" 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

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| Appendix I | Application Form received on 15.11.2024 |
| Appendix Ia | Supplementary Planning Statement |
| Appendix Ib | FI dated 11.2.2025 |
| Appendix II | Extract of the TPB PG-No. 12C |
| Appendix III | Extract of the TPB PG-No. 13G |
| Appendix IV | Previous and Similar Applications |
| Appendix V | Government Departments' General Comments |
| Appendix VI | Recommended Advisory Clauses |
| Appendix VII | Public Comments |
| Appendix VIII | The Good Practice Guidelines for Open Storage Sites issued by Fire Services Department |
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| Drawing A-1 | Location Plan with Vehicular Access |
| Drawing A-2 | Location Plan of the Affected Business |
| Drawing A-3 | Site Search Plan |
| Drawing A-4 | Site Plan under TPB PG-No. 13G |
| Drawing A-5 | Comparison of Aerial Photos |
| Drawing A-6 | Proposed Layout Plan |
| Drawing A-7 | Proposed Filling of Land and Pond Area Plan |
| Drawing A-8 | Swept Path Analysis Plan |
| Drawing A-9 | Landscape Proposal Plan |
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| Plan A-1 | Location Plan with Previous and Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4c | Site Photos |

**PLANNING DEPARTMENT
APRIL 2025**