

RNTPC Paper No. A/YL-SK/371B
For Consideration by the
Rural and New Town
Planning Committee
on 24.1.2025

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-SK/371

<u>Applicant</u>	:	United Crown Holdings Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Various Lots in D.D. 106 and Adjoining Government Land, Shek Kong, Yuen Long
<u>Site Area</u>	:	About 78,557m ² (including Government land (GL) of about 1,817m ² or 2.2%)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Open Storage of Construction Materials, Construction Machineries, Auto Parts and 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 construction materials, construction machineries, auto parts and vehicles with ancillary facilities for a period of three years and associated filling of land and pond 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 and filling of pond within “AGR” zone also require planning permission from the Board. The Site is vacant, and partly covered by vegetation and partly filled with soil, with some dried ponds and abandoned structures in the central part, and some farming activities at the southern part of the Site (**Plans A-3 and A-4**).
- 1.2 The Site is accessible from Shek Kong Airfield Road (**Plans A-1 to A-2**). According to the applicant, about 77,237m² (i.e. about 98% of the Site) is proposed for open storage of construction materials (such as tiles, pipes, socket, iron cover and water pump), construction machineries (such as elevated platform,

digging machine and generator), auto parts and vehicles (such as private car and light goods vehicle (LGV)), and about 1,320m² (i.e. the remaining 2% of the Site) is for erection of six single-storey (4m high) temporary structures for site offices and washrooms. A total of 36 parking spaces (18 for private cars and 18 for LGV) will be provided within the Site. Only private car and LGV (gross weight not more than 5.5 tonnes) are allowed to enter/exit the Site at any time during the planning approval period. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 According to the applicant, part of land area (about 12,903m²) and the dried pond area (9,287m²) of the Site have already been filled with soil to levels ranging from +12.7mPD to +15.1mPD (**Drawing A-2**). In addition to regularising the said filling of land and pond, the applicant proposes further filling of the entire Site (including both land and pond areas, except for the tree planting areas mentioned in paragraph 1.5 below) with soil of not more than 2.3m in depth (the filled area) for open storage and circulation areas, and of part of the Site (about 1,320m²) with concrete of not more than 0.2m in depth on the top of the filled area for site formation of the proposed temporary structures. The proposed site levels will range from +15mPD to +16.6mPD upon filling of land and pond. The land and pond filling plan submitted by the applicant is shown in **Drawing A-2**.
- 1.4 The operation hours of the proposed use will be from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, and storage of dangerous goods will be carried out at the Site. The stacking height of the open storage would not be more than 3m. Solid metal walls of 2.5m to 3.5m high will be erected along the site boundary as sound/visual and dust/debris barriers.
- 1.5 A total of 119 trees were record within the Site, of which 77 are proposed to be felled and 42 are proposed to be retained (including two *Pterocarpus indicus* and three *Aquilaria sinensis* protected under Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)). 77 new trees are proposed to be planted. A landscape buffer consisting of 119 new/retained trees will be provided along northern and western boundaries of the Site. The tree preservation and landscape proposal submitted by the applicant is at **Drawing A-3**.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 22.4.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 21.8.2024[#] (**Appendix Ia**)
 - (c) FI received on 4.12.2024[#] (**Appendix Ib**)

[#] *accepted but not exempted from publication and recounting requirements.*
- 1.7 On 21.6.2024 and 4.10.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each 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 Application Form with attachments and FIs at **Appendices I to Ib**, and can be summarised as follows:

- (a) The Site is largely vacant. It falls within Category 2 area under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) which is considered suitable for open storage and port back-up uses. Approval of the application on temporary basis would not frustrate the long-term planning intention of the “AGR” zone.
- (b) The Site is located to the east of an “Industrial (Group D)” (“I(D)”) zone and is surrounded by various open storage/storage yards, warehouse and holiday camps. The proposed use is not incompatible with its surroundings. There are similar approved applications for open storage uses within the same “AGR” zone in the vicinity of the Site. Approval of the application on a temporary basis would not set an undesirable precedent within the “AGR” zone.
- (c) The proposed land/pond filling is necessary to meet the operation need and the extent of land/pond filling has been kept minimal. The applicant will reinstate the Site to a state that is suitable for agricultural use after the planning approval period.
- (d) The proposed use will not create adverse impact on Shui Lau Tin Site of Archaeological Interest (SAI) as excavation work for the proposed drainage facilities will be carried out on top of the filled area and no excavation work will be conducted on the existing ground.
- (e) The proposed use will also have no adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. The applicant will strictly comply with all environmental protection/pollution control ordinances at all times during the planning approval period. The applicant will also follow relevant mitigation measures and requirements in the latest the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by Environmental Protection Department to minimise adverse environmental impacts and nuisance to the surrounding areas.
- (f) There is a pressing demand for open storage spaces in the New Territories to support the open storage industry.

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

The applicant is not a “current land owner” of the private land within 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing newspaper notice and sending notice to the Pat Heung Rural Committee by registered mail. Detailed

information would be deposited at the meeting for Members' inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. **Background**

The Site was the subject of two planning enforcement cases in 2024, however the Site has been reinstated and Compliance Notices have been issued in the same year. The Site is currently not subject to any active planning enforcement action.

5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines 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 TPB PG-No. 13G, and relevant extracts of which is at **Appendix II**.

6. **Previous Applications**

Parts of the Site are the subject of two previous planning applications (No. A/YL-SK/317 and 337) for temporary tent camping ground and temporary holiday camp respectively, which were approved with conditions by the Committee in 2021 and 2022 respectively. The considerations of these two planning applications are not relevant to the current application which involves different uses. 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 four similar applications (No. A/YL-SK/350, 369, 381 and 384) for temporary open storage and associated filling of land (except for A/YL-SK/350) within the same "AGR" zone abutting/in the vicinity of the Site in the past five years. All similar applications were approved with conditions by the Committee in 2024 mainly on the considerations that the applied/proposed use on a temporary basis could be tolerated; the applied/proposed use was not incompatible with the surrounding land uses; the application was generally in line with TPB PG-No. 13G; and the government departments consulted generally had no adverse comments or their technical concerns could be addressed by approval conditions. The planning permission under application No. A/YL-SK/350 was subsequently revoked on 12.1.2025 due to non-compliance with the approval conditions on the submission of revised drainage proposal and fire service installations (FSIs) proposal. Details of the similar applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1**.

7.2 Other than the similar applications mentioned in paragraph 7.1 above, application No. A/YL-SK/395 for similar open storage use within the same "AGR" zone 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) largely vacant, and partly covered with vegetation and partly filled with soil, with some dried ponds and abandoned structures in the central part, and some farming activities at the southern part;
- (b) accessible from Shek Kong Airfield Road; and
- (c) situated within the Shui Lau Tin SAI.

8.2 The surrounding areas are rural in character with an intermix of open storage yards (with planning permissions under application Nos. A/YL-SK/350, 369 and 384) as mentioned in paragraph 7.1 above), car park, domestic structures, cultivated/fallow agricultural land, plant nursery and vacant land, as well as a vehicle repair workshop in a nearby “I(D)” zone.

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/pond 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 Departments**

- 10.1 Apart from the government departments as set out in 10.2 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 at **Appendices V** and **VI** respectively.
- 10.2 The following government departments do not support/have adverse comments/have concerns on the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has reservation on the application since there are unauthorized structures and uses on Lot Nos. 1002 and 1006 in D.D. 106 (part of the Site) which are already subject to lease enforcement actions

according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by LandsD;

- (b) the Site comprises GL and various Old Schedule Agricultural Lots in D.D. 106 held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) no permission is given for occupation of GL included in the Site. Any occupation of GL without Government's prior approval is an offence under Cap. 28; and
- (d) advisory comments are at **Appendix VI**.

Agriculture and Nature Conservation

10.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) pond filling is generally not recommended from a fisheries viewpoint. The subject location includes fish ponds of unknown status that have the potential to be used for fish culture operations in the future. As such, the application is not supported from a fisheries viewpoint;
- (c) the Site would encroach into existing streams along its northeastern and northern boundary (**Plan A-2**). The proposed use will pose direct impact on the streams while stream and watercourse should be preserved as far as possible from nature conservation perspective; and
- (d) other detailed comments and advisory comments are at **Appendices V and VI** respectively.

10.3 The following government departments have some concerns on the application:

Archaeology

10.3.1 Comments of the Executive Secretary (Antiquities and Monuments) of Antiquities and Monuments Office, Development Bureau (ES(AM), AMO, DEVB):

- (a) the Site falls within Shui Lau Tin Site SAI. After reviewing the location and scale of the work site, as well as the scope of the proposed works, there are concerns over the impact on the Shui Lau Tin SAI arising from the proposed use;

- (b) should the application be approved, the following approval condition to the satisfaction of AMO, DEVB are recommended to be incorporated:
 - the submission of an archaeological review report and the implementation of the mitigation measures identified therein before commencement of works; and
- (c) other detailed comments and advisory comments are at **Appendices V and VI** respectively.

Landscape

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

- (a) based on the aerial photo of 2023, the Site is located in a rural inland plains landscapes character comprising of vacant lands with/without vegetation, farmlands, village houses to the east and temporary structures within the industrial zone to the southwest, car parking and scattered tree groups. Significant change on the landscape character of the “AGR” zone is anticipated;
- (b) it is noted that 119 existing trees are identified within the Site, including two *Pterocarpus indicus* and three *Aquilaria sinensis* which are protected species under Cap. 586 and one other dead tree of unidentified species. 77 trees are proposed to be felled (excluding the trees protected under Cap. 586) and 77 new trees are proposed to mitigate the loss of trees. Significant adverse impact on existing landscape resources is not anticipated; and
- (c) advisory comments are set out at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

- 11.1 The application was published for public inspection on 30.4.2024, 3.9.2024 and 10.12.2024. During the statutory public inspection periods, a total of eleven objecting/adverse comments from Pat Heung Rural Committee, Kadoorie Farm and Botanic Garden Corporation (submitted three times), The Conservancy Association (submitted twice), two villagers and one individual (submitted three times) were received (**Appendices VII**).
- 11.2 All objecting/adverse public comments received are mainly on the grounds that the proposed use is not in line with the planning intention of “AGR” zone and approval of the suspected unauthorized development would set an undesirable precedent of “destroy first, build later”; and the proposed use would lead to loss of agricultural sites/vegetation and ponds, cause adverse traffic, drainage, sewerage and environmental impacts, and disrupt the tranquil rural setting for the local villagers.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials, construction machineries, auto parts and vehicles with ancillary facilities for a period of three years and associated filling of land and pond at the Site zoned “AGR” (**Plan A-1**). While the proposed use is not in line with the planning intention of “AGR” zone and DAFC does not support the application from agricultural and fisheries perspectives, taking into account the planning assessments below, the proposed use on a temporary basis of three years with associated filling of land and pond could be tolerated.
- 12.2 Filling of land and filling of pond within the “AGR” zone require planning permission from the Board as they may cause adverse drainage and environmental impacts on the adjacent areas. Both the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Environmental Protection (DEP) have no objection to the application from drainage and environment perspectives respectively. An approval condition requiring the reinstatement of the Site to an amenity area upon expiry of the planning permission is recommended in paragraph 13.2 below should the Committee decide to approve the application.
- 12.3 The proposed use is considered not entirely incompatible with the immediate surrounding land uses which are characterised with an intermix of open storage yards, car park, domestic structures, cultivated/fallow agricultural and vacant land, as well as a vehicle repair workshop in a nearby “I(D)” zone. CTP/UD&L, PlanD considers that while significant change on the landscape character of the “AGR” zone is anticipated, significant adverse impact on existing landscape resources arising from the proposed use is not anticipated.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G and the following considerations 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 or if required, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.5 The application is considered generally in line with TPB PG-No. 13G in that relevant government departments consulted including the Commissioner for Transport, DEP, CE/MN of DSD and Director of Fire Services have no objection to or no adverse comment on the application, while AMO of DEVB has some concerns on the application from archaeological preservation perspective which could be addressed via approval conditions. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential

environmental nuisance caused by the proposed use on the surrounding areas. Regarding DLO/YL of LandsD's concern on the unauthorized structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 12.6 There were four similar approved applications for temporary open storage use (three out of them involved filling of land) within the same "AGR" zone abutting/in the vicinity of the Site in the past five years as mentioned in paragraph 7.1 above. Approving the current application is generally in line with the Committee's previous decisions.
- 12.7 Regarding the public comments mentioned in paragraph 11 above, the departmental comments and planning considerations 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 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 24.1.2028. The following conditions of approval and advisory clauses are 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 24.7.2025;
- (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 24.10.2025;
- (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) with a valid fire certificate 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 7.3.2025;
- (e) 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;
- (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 24.10.2025;

- (g) the submission of an archaeological review report and the implementation of the mitigation measures identified therein before commencement of works to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board;
- (h) if any of the above planning condition (c) or (g) 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;
- (i) 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
- (j) upon the 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 proposed use with associated filling of land and pond 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 attachments received on 22.4.2024

Appendix Ia	FI received on 21.8.2024
Appendix Ib	FI received on 4.12.2024
Appendix II	Relevant Extract of TPB PG-No.13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendices VII-1 to VII-11	Public Comments
Appendix VIII	Fire Services Department's 'Good Practice for Open Storage Sites'
Drawing A-1	Site Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Tree Preservation and Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4	Site Photos