

RNTPC Paper No. A/YL-SK/395A
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/395

Applicant : R-riches Property Consultants Limited

Site : Lot 1110 S.C-H (Part) in D.D.106, Kam Tin, Yuen Long

Site Area : About 1,626m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Shek Kong Outline Zoning Plan (OZP) No. S/YL-SK/9

Zoning : “Agriculture” (“AGR”)

Application : Proposed Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machineries 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 not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within “AGR” zone also requires planning permission from the Board. The Site is partly fenced-off, partly hard-paved with concrete at the southern and western portions and partly covered with weeds at the northern portion, partly vacant and partly occupied with temporary structures (**Plans A-3 to A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via Kam Shui South Road and a local access road (**Plans A-1 to A-3**). According to the applicant, the proposed use involves a total area of about 1,010m² (or about 62% of the Site) for open storage of construction materials (such as bricks, tiles and glass) and construction machineries (such as generator and elevated platform) and one loading/unloading space for light goods vehicle (**Drawing A-1**). The applicant also applies for filling of land of 904m² (56% of the Site) with concrete of not more than 0.1m in depth (from +14.6mPD to +14.7mPD), as well as regularisation of filled area of 690m² (42% of the Site) with finished level at +14.7mPD, for the open storage use and circulation area (**Drawings A-1 to A-2**). The remaining 2% of the Site (32m²) which is currently occupied by two existing trees will remain unfilled. The

existing trees will be preserved in-situ (**Drawings A-1 to A-2**). Kerbs will be installed around trees for protection. 5.5 tonnes lorry will be deployed for transportation of construction materials to and from the Site. Medium/heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance, are prohibited to be parked/stored on or enter/exit the Site at any time during the planning approval period.

- 1.3 According to the applicant, the construction materials would only be stored at the designated storage area and restricted to a stacking height of not more than 2.5m, no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, and storage of dangerous goods will be carried out at the Site during the planning approval period. A 2.5m high solid metal wall will be erected along the site boundary to minimise the nuisance and potential landscape/visual impacts to the surrounding area. The operation hours will be from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on (**Appendix I**)
17.10.2024
 - (b) Further Information (FI) received on 10.12.2024* (**Appendix Ia**)
 - (c) FI received on 13.1.2025* (**Appendix Ib**)

** accepted and exempted from publication and recounting requirements*
- 1.5 On 6.12.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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 and FI at **Appendices I** and **Ia** respectively, and can be summarised as follows:

- (a) The Site has been left vacant with no active agricultural activities. The Site also falls within Category 2 area according to 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. The approval of the current application on temporary basis would not frustrate the long-term planning intention of the “AGR” zone.
- (b) Similar applications for open storage uses have been approved by the Board within the same “AGR” zone in the vicinity of the Site. Approval of the current application would not set an undesirable precedent within the “AGR” zone and is in line with the Board’s previous decisions. Besides, the proposed use is not incompatible with the surrounding areas which are mainly occupied by open storage yards and

warehouses, and located at approximately 80m east of the adjoining “Industrial (Group D)” zone on the same OZP.

- (c) The proposed filling of land is necessary to meet the operation need and has been kept to minimal. The applicant undertakes to strictly follow the proposed scheme and no further filling of land will be carried out at the Site after planning permission has been granted from the Board.
- (d) As the Site is in close proximity to the Shui Lau Tin Site of Archaeological Interest (SAI), only small scale ground excavation works for the provision of drainage facilities will be carried out, and the adverse impact on the concerned SAI is not anticipated.
- (e) The proposed use is anticipated to generate infrequent trips.
- (f) The applicant will strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) and other relevant ordinances. Hence, the applied use would not create significant nuisance to the surrounding areas.

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 notices and sending notice to the Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

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 are at **Appendix II**.

6. Previous Application

There is no previous application covering the Site.

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 in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee of the Board 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 of 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 a revised drainage proposal and a fire service installations (FSIs) proposal.
- 7.2 Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 7.3 Other than the similar applications mentioned in paragraph 7.1 above, application No. A/YL-SK/371 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-4b)

- 8.1 The Site is:
- (a) partly fenced-off, partly hard-paved with concrete at the southern and western portions and partly covered with weeds at the northern portion;
 - (b) partly vacant and partly occupied with temporary structures; and
 - (c) accessible from Kam Sheung Road via Kam Shui South Road and a local track.
- 8.2 The surrounding areas are rural in character with an intermix of an open storage yard (with valid planning permission under application No. A/YL-SK/384), cultivated/fallow agricultural land, residential structures, and there are plant nurseries, vacant/unused land and a residential development to the further south across a nullah and Kam Shui South Road.

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 Departments

- 10.1 Apart from the government 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, if any, are provided in **Appendices IV and V** respectively.
- 10.2 The following government departments have reservation on or do not support 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 building works and/or uses on the private lot at the Site which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD;
 - (b) the Site comprises Old Schedule Agricultural Lot 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) it is noted that no structure is proposed on the Site under the application; and
 - (d) advisory comments are at **Appendix V**.

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. He has no comment from nature conservation perspective;
 - (b) the Site falls within the “AGR” zone and is generally abandoned. 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) advisory comments are at **Appendix V**.

10.3 The following government department has some concerns on the application:

Landscaping

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

- (a) it is noted that two existing trees of common species are identified within the Site. No filling of land will be carried out to preserve the existing tree in-situ. Significant adverse impact on existing landscape resource is not anticipated; and
- (b) based on the aerial photo of 2022, the Site is located in an area of rural inland plains landscape character comprising of vegetated vacant lands, farmlands, village houses, scattered tree groups and open storages within the “industrial” zone to the west of the Site. There is concern that approval of the application may alter the landscape character and degrade the landscape quality of the area within the “AGR” zone.

11. Public Comments Received During Statutory Publication Period

11.1 The application was published for public inspection on 25.10.2024. During the statutory public inspection period, 23 public comments from the Chairman of Yuen Long Town Centre and Rural East Area Committee, the World Wildlife Fund for Nature, Kadoorie Farm and Botanic Garden Corporation and 20 individuals/villagers including the village representative of Pat Heung Lin Fa Tei (八鄉蓮花地) were received (**Appendices VI-1 to VI-23**).

11.2 The Chairman of Yuen Long Town Centre and Rural East Area Committee indicates no comment on the application. The World Wildlife Fund for Nature has concern on the application and considers the Site not suitable for open storage due to its limited accessibility. Kadoorie Farm and Botanic Garden Corporation objects to the application and considers the proposed use not in line with the planning intention of the “AGR” zone, and queries if the proposed use would permanently affect the arability of the Site and if any ongoing enforcement action has been taken involving the Site. 20 individuals/villagers object to the application on the grounds that the proposed use would worsen the traffic condition and road safety in Kam Sheung Road; the proposed use would bring about environmental pollution/nuisance to the rural environment/nearby residents; and filling of land taken place and the proposed filling of land would create adverse drainage and environmental impacts, and adversely affect the livelihood of the villagers, mostly in the form of similar standard letters.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials and machineries for a period of three years and associated filling of land 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 perspective, taking into account the planning assessments below, the proposed use on a temporary basis of three years with associated filling of land 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 adjacent areas. 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 rural in character with an intermix of an open storage yard (with valid planning permission), cultivated/fallow agricultural land, residential structures, plant nurseries and vacant land. CTP/UD&L, PlanD considers that while there is concern on landscape character and quality affected by the application, significant adverse impact on existing landscape resource is not anticipated.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G and 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 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 and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the latest COP to minimise any potential environmental nuisance caused by the proposed use on the surrounding areas. Regarding DLO/YL, 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 are four approved similar applications for open storage use (with three involved filling of land) within the same “AGR” zone in the vicinity of the Site as mentioned in paragraph 7.1 above. Approving the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments on the application as stated 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 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 24.7.2025;
- (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 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) 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 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 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 attachments received on 17.10.2024
Appendix Ia	FI received on 10.12.2024
Appendix Ib	FI received on 13.1.2025
Appendix II	Relevant Extract of TPB PG-No.13G
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 to VI-	Public Comments

Appendix VII	Fire Services Department's 'Good Practice for Open Storage Sites'
Drawing A-1	Site Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**