

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/575

- Applicant** : Yuen Cheong Timber Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 2113 (Part), 2114 (Part), 2115 (Part), 2116 (Part) and 2119 (Part) in D.D. 118, Yuen Long, New Territories
- Site Area** : 1,000 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse for Storage of Metal and Timber for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of metal and timber for a period of three years and associated filling of land at the application site (the Site) (**Plan A-1**). Although the proposed use is neither a Column 1 or 2 use in the “AGR” zone, according to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). According to the Notes of the OZP for the “AGR” zone, filling of land also requires planning permission from the Board. The Site is currently vacant and partly covered with grass (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the current application is to facilitate relocation of their metal and timber trading business from Ma Tso Lung, Kwu Tung North. Their previous operation was based at the Kwu Tung North New Development Area (KTN NDA) and the concerned land (i.e. Lot 2240 S.J s.s.1 in D.D. 96) had already been resumed by the Government. Thus, there is an imminent need for the applicant to secure a relocation site to continue their affected operation.
- 1.3 The proposed warehouse is for storage of metal and timber and associated land filling is required. All operations and related activities (i.e. storage, loading/unloading (L/UL), parking and manoeuvring of vehicles) will be carried out within the proposed structure. No workshop activities will be carried out at

the Site. No heavy goods vehicles will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, site layout, drainage proposal and extent of site paving submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.4 Major part of the Site is the subject of a previous application (No. A/YL-TT/562) (details at paragraph 5 below).

1.5 The major development parameters of the application are summarised as follows:

Site Area	About 1,000 m ²
Total Floor Area	Not more than 1,000 m ²
Extent of Filling of Land	About 1,000 m ² (i.e. the entire Site, with a depth of about 0.2m)
No. and Height of Structures	1 for warehouse, site office and toilet (8m, 1 storey)
No. of Parking Space	1 (for private car) (5m x 2.5m)
No. of L/UL Space	1 (for medium goods vehicle) (11m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 p.m., with no operation on Sundays and Public Holidays

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

- (a) Application Form with Attachments received on **(Appendix I)**
10.10.2022
- (b) Further Information (FI) received on 28.10.2022* **(Appendix Ia)**
- (c) FI received on 3.11.2022* **(Appendix Ib)**
- (d) FI received on 2.12.2022* **(Appendix Ic)**
* *accepted and exempted from publication requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and Attachments (**Appendix I**). They can be summarised as follows:

Thorough Site Selection Process

- (a) the applicant had undergone a thorough site selection process in identifying a suitable relocation site for their affected operation. The process had been difficult as land within Categories 1 and 2 areas of the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F) were either unaffordable or have already been occupied by other operators;
- (b) four prospective sites in the North and Yuen Long districts, including Ping Che, Tai Shu Ha Road West and Kwan Tei, had been reviewed and were found to be unsuitable due to various shortcomings such as high construction/acquisition costs, potential right-of-way disputes and traffic concerns, etc.;
- (c) the Site is considered suitable for relocation as it is highly accessible and the Site

is similar in size (about 1,000m²) to the previous operation in Ma Tso Lung (i.e. about 805.9m²);

The Site is Unsuitable for Agricultural Rehabilitation

- (d) the Site had been vacant for a considerable period of time and had not been rehabilitated for agricultural activities;

Importance to the Local Construction Industry

- (e) successful relocation to the Site would help sustain the supply of metal materials and support upcoming development projects, such as those in the Northern Metropolis and Lantau Tomorrow Vision;

No Adverse Traffic, Environmental and Drainage Impacts

- (f) the proposed use would bring negligible traffic to the area. Sufficient L/UL, parking and maneuvering spaces will be provided within the Site;
- (g) the proposed warehouse, parking and L/UL activities will be held within the proposed structure with all windows closed during operation hour to minimise environmental impact to the surrounding area. The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”) and relevant Professional Persons Environmental Consultative Committee Practice Notes;
- (h) land filling is required for the proposed structure and the drainage impact of the proposal is minimal. The applicant pledges to reinstate the Site upon expiry of the planning permission;

Compatible to the Surrounding Environment and No Undesirable Precedent

- (i) the proposed temporary use would not jeopardise the long-term planning intention of the “AGR” zone and is not incompatible with the surrounding environment; and
- (j) the proposed relocation of the applicant’s operation to the Site is a direct result of the Government’s resumption of land for the KTN NDA. Successful relocation of the operation would help maintain a stable supply of metal materials in Hong Kong and should be considered unique from any other temporary development proposals in the subject “AGR” zone. Approval of the application would not create an undesirable precedent. Similar warehouse use has been approved in another “AGR” zone on the same OZP (No. A/YL-TT/544).

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. 31A) by posting site notice and sending the notice to the Shap 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 planning enforcement action.

5. **Previous Application**

Major part of the Site involves one previous application (No. A/YL-TT/562) approved by the Rural and New Town Planning Committee (the Committee) of the Board in September 2022 for proposed temporary animal boarding establishment use, which is not relevant to the current application. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**. The Site has not been put into the approved temporary animal boarding establishment use.

6. **Similar Applications**

There are seven similar applications for various temporary warehouse uses with/without other uses within the subject “AGR” zone which were rejected by the Committee or the Board on review between 1995 and 2017 mainly on the grounds that the proposed developments were not in line with the planning intention; not compatible with the surrounding rural character; insufficient information to demonstrate that the development would not cause adverse environmental impact on the surrounding areas; and approval of the application would set an undesirable precedent, etc. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tai Shu Ha Road East to its west via a local road (**Plan A-3** and **Drawing A-1**); and
- (b) currently vacant and partly covered with grass (**Plans A-2** to **A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2** and **A-3**):

- (a) mixed in character with predominantly open storage/storage yards, warehouses and parking of vehicles/car park intermixed with agricultural land, residential structures, graves, an orchard and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its southeast; and
- (c) the open storage/storage yards, warehouses and parking of vehicles/car park in the vicinity are suspected unauthorized developments subject to planning enforcement action.

8. **Planning Intention**

8.1 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.

- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the subject “AGR” zone.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 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 III and IV** respectively.
- 9.2 The following government bureau supports the application.

Policy Support

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the current application is submitted by an operator whose warehouse had already been cleared under the government-led KTN NDA project. According to the applicant, he has endeavoured to identify suitable site for re-establishment of his operation elsewhere. The Site is considered the most suitable and practicable one after an extensive site search carried out by the applicant. The applicant also claims that the Site is of similar scale to his displaced warehouse;
- (b) the land freed up by the displaced warehouse will together with other cleared land be redeveloped into the KTN NDA, capable of providing about 49,900 housing units in phases. Facilitating relocation of affected brownfield operations including the warehouse is crucial to the smooth clearance for and implementation of the NDA project; and
- (c) from the perspective of ensuring timely development of the NDA and delivery of the housing yield, as well as facilitating the continued operation of displaced brownfield operations still meeting the needs of the economy, she supports the application.

- 9.3 The following government departments have objection to the application.

Agriculture

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

The Site falls within the “AGR” zone and is abandoned. Agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.

Environment

9.3.2 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 10m to its southeast of the Site) (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles; environmental nuisance is expected; and
- (b) there was no environmental complaint concerning the Site received in the past three years.

10. **Public Comments Received During the Statutory Publication Period**

On 18.10.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments were received. Kadoorie Farm and Botanic Garden Corporation and an individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone, the potential cumulative impact on approving the current application should be considered as it would set a precedent in the subject “AGR” zone (**Appendix V-1**) and the proposal will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V-2**). Another individual provides adverse comments that the previous approval at the Site had paved the way for brownfield activities and approving the current application would run contrary to Government’s policy on phasing out brownfield use (**Appendix V-3**).

11. **Planning Considerations and Assessments**

- 11.1 The application is for proposed warehouse for storage of metal and timber for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The application is to facilitate relocation of a business operation affected by the KTN NDA development. The applicant had undergone a thorough site-selection process before identifying the Site as the most suitable site for relocation. Though the Site is located away from the previous operation in KTN, the size of the Site (i.e. about 1,000m²) is comparable to its original operation (i.e. about 805.9m²). To minimise environmental nuisances on the surrounding areas, an enclosed structure to house the warehouse use and related parking and L/UL activities is proposed under the current application. With the policy objective of ensuring timely development of NDA and delivery of housing yield, as well as facilitating the continued operation of displaced brownfield operations still meeting the needs of the economy, SDEV supports the application.
- 11.2 The proposed use is not entirely in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective mainly on the consideration that the Site possesses potential for agricultural rehabilitation as agricultural infrastructures such as road access and water source are available. Nevertheless, the Site is currently vacant and has not been put to its intended agricultural use for a number of years. In view of the above and with the policy support from SDEV, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone.

- 11.3 While 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, Drainage Services Department (CE/MN, DSD) and DEP have no objection/adverse comment in this regard from drainage and environmental perspectives. The applicant has also provided justifications for the need for filling of land.
- 11.4 The Site is situated in an area of rural fringe character predominated by open storage/storage yards, temporary structures, residential structures, agricultural land and vacant land (**Plan A-2**). Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considers that the proposed development is not incompatible with the existing landscape character of the surrounding areas. DAFC also has no comment on the application from nature conservation point of view.
- 11.5 DEP does not support the proposed warehouse use as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located about 10m to its southeast) (**Plan A-2**), and the proposed use will cause traffic of heavy vehicles; environmental nuisance is expected. In response, the applicant undertakes that no workshop activities will be carried out at the Site and the operation, which will take place within the enclosed structure, would be restricted to 9:00 a.m. to 6:00 p.m. with no operation on Sundays and public holidays so as to minimise potential environmental impacts on the surrounding area. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice”.
- 11.6 Other relevant departments, including Commissioner for Transport, CE/MN, DSD and Director of Fire Services have no objection to/no adverse comment on the application.
- 11.7 There are seven similar applications within the subject “AGR” zone rejected by the Committee or the Board on review between 1995 and 2017 mainly on the grounds that the proposed developments were not in line with the planning intention of the “AGR” zone; there were potential adverse environmental impact on the surrounding areas; and approval of the application would set an undesirable precedent. Given that DEP’s views have been considered in paragraph 11.5 above and there are no adverse comments from CE/MN, DSD and CTP/UD&L, PlanD, and taking into consideration the justifications provided by the applicant and the policy support from SDEV, the circumstances of the current application may be considered as unique and sympathetic consideration can be given.
- 11.8 There are three public comments objecting to/providing adverse comments on the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.7 above are relevant. Regarding the adverse comment that the previous approval at the Site had paved the way for brownfield activities, no land filling was involved in the previous application and each application is considered on its individual merit. The current application is submitted by a different applicant and the applicant has provided justifications on the need of land filling in paragraph 2 above.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed warehouse for storage of metal and timber for a period of three years and associated filling of land could be tolerated.
- 12.2 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 9.12.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 9.6.2023;
- (b) in relation to (a) above, the implementation of the revised 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 9.9.2023;
- (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 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 9.6.2023;
- (e) in relation to (d) 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 9.9.2023;
- (f) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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
- (h) upon expiry of the planning permission, the reinstatement of the Site to an amenity area, as proposed by the applicant, to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed use with 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding area.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form with Attachments received on 10.10.2022
Appendix Ia	FI received on 28.10.2022
Appendix Ib	FI received on 3.11.2022
Appendix Ic	FI received on 2.12.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-3	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Site Paving Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2022**