

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/601**

- Applicant** : Million Gain Investments Limited
- Site** : Lot 4058 RP in D.D. 116 and Adjoining Government Land (GL), Shap Pat Heung, Yuen Long
- Site Area** : 275 m<sup>2</sup> (about) (including GL of about 55 m<sup>2</sup> or 20%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
- Zoning** : “Residential (Group D)” (“R(D)”)  
*[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]*
- Application** : Proposed Temporary Warehouse for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for a period of three years at the application site (the Site) (**Plan A-1**). 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). The Site is currently formed, vacant and fenced off (**Plans A-2 to A-4**).
- 1.2 The Site abuts Tai Shu Ha Road East (**Plan A-1**). As indicated in the submission, the proposed warehouse will occupy the entire Site and one parking space for light goods vehicle (LGV) is proposed within the warehouse. Plan showing the site layout submitted by the applicant is at **Drawing A-1**.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 275 m <sup>2</sup> (including GL of about 55 m <sup>2</sup> )
Total Floor Area	About 275 m <sup>2</sup>
No. of Structure	1 for warehouse

Height of Structures	8.23m (1 storey)
No. of Parking Space	1 for LGV (7m x 3.5m)
No. of Loading/ Unloading Space	Nil
Operation Hours	9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays

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

- (a) Application Form received on 12.7.2023 (Appendix I)
- (b) Further Information (FI) received on 18.10.2023 (Appendix Ia)  
*[exempted from publication and recounting requirements]*

1.5 On 11.9.2023, 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 attachment to the Application Form (Appendix I). They can be summarised as follows:

The proposed use can meet the demand for warehouse and create job opportunities to facilitate economic development of Hong Kong.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG No. 31A are not applicable.

## 4. **Background**

The Site is currently not subject to planning enforcement action.

## 5. **Previous Application**

There is no previous application concerning the Site.

## 6. **Similar Application**

There is no similar application within the subject “R(D)” zone in the past five years.

## **7. Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

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

8.1 The Site is:

- (a) abutting Tai Shu Ha Road East to its west; and
- (b) formed, vacant and fenced off (**Plans A-2 to A-4**).

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

- (a) predominantly residential dwellings intermixed with open storage/storage yards, warehouses, parking of vehicles, a vehicle repair workshop, a plant nursery, agricultural land and unused land;
- (b) there are many residential structures in the vicinity with the nearest ones located about 20m to its northeast and southeast. Shung Ching San Tsuen is located to its west; and
- (c) the open storage, warehouses and vehicle repair workshop in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

## **9. Comments from Relevant Government Departments**

All government 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 II and III** respectively.

## **10. Public Comment Received During the Statutory Publication Period**

On 21.7.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds that the proposed use is not in line with the planning intention of the “R(D)” zone, there is no previous approval and no justification for approving the current application (**Appendix IV**).

## **11. Planning Considerations and Assessment**

11.1 The application is for proposed temporary warehouse for a period of three years at the Site zoned “R(D)” on the OZP. The proposed use is not in line with the planning intention of the “R(D)” zone, which is primarily for improvement and upgrading of

existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis.

- 11.2 The surrounding area comprises predominantly residential dwellings (**Plan A-2**). Although there are scattered open storage/storage yards in the vicinity, they are all suspected UD's subject to planning enforcement action. The proposed use is generally considered not compatible with the surrounding residential character.
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental, drainage and fire safety aspects.
- 11.4 There is one public comment objecting to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department does not support the application for the following reason:

The proposed use is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures into permanent buildings and for low-rise, low density residential development. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

- 12.2 Alternatively, 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 8.12.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 8.6.2024;
- (b) in relation to (a) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 8.9.2024;

- (c) 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 8.6.2024;
- (d) in relation to (c) 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 8.9.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 8.6.2024;
- (g) in relation to (f) 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 8.9.2024;
- (h) if the above planning condition (e) 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
- (i) if any of the above planning condition (a), (b), (c), (d), (f) or (g) 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 at **Appendix III**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments**

**Appendix I**  
**Appendix Ia**  
**Appendix II**

Application Form received on 12.7.2023  
FI received on 18.10.2023  
Government Departments' General Comments

<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comment
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2023**