

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

**APPLICATION NO. A/YL-TT/608**

- Applicant** : Hang Sing Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 2224 (Part) in D.D. 118, Yuen Long, New Territories
- Site Area** : 900 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of construction materials for a period of three years at the application site (the Site) (**Plan A-1a**). 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 and vacant (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the current application is to facilitate the relocation of the business based in Shan Ha Tsuen, Yuen Long which is affected by the land resumption and clearance exercises under the Yuen Long South (YLS) Development. There is an imminent need for the applicant to secure a relocation site to continue the affected operation.
- 1.3 The Site is accessible via a local track from Tai Shu Ha Road East (**Plan A-2**). The proposed warehouse is for storage of construction materials. All operations and related activities (i.e. storage, loading/unloading (L/UL), and manoeuvring of vehicles) will be carried out within the proposed structure at the Site with a floor area of about 800 m<sup>2</sup>. There will not be any workshop activities and only medium goods vehicles (MGVs) are allowed to access the Site. Plans showing the vehicular access, site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

Site Area	About 900 m <sup>2</sup>
Total Floor Area	Not exceeding 800 m <sup>2</sup>
No. of Structure	1
Height of Structure	Not exceeding 8m (1-storey)
No. of L/UL Space	1 (for MGW) (11m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 p.m. (No operation on Sundays and Public Holidays)

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

- (a) Application Form with attachments received on 14.8.2023 (**Appendix I**)
- (b) Further Information (FI) received on 4.10.2023 (**Appendix Ia**)  
[Exempted from publication and recounting 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 has undergone a thorough site selection process in identifying a suitable relocation site for the affected operation. The process has 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. 13G) were either unaffordable or have already been occupied by other operators;
- (b) six prospective sites in the Yuen Long and North districts have been reviewed and were found to be unsuitable due to various shortcomings such as high construction/acquisition costs, potential right-of-way disputes, land resumption in the near future 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 900m<sup>2</sup>) to the previous operation in Shan Ha Tsuen (i.e. about 620m<sup>2</sup>);

### The Site is Unsuitable for Agricultural Rehabilitation

- (d) the Site has long been vacant and hard-paved and not for agricultural use;

### Importance to the Local Construction Industry

- (e) successful relocation to the Site would help sustain the supply of construction materials and support upcoming development projects in Hong Kong;

No Adverse Traffic, Environmental and Drainage Impacts

- (f) the proposed use is small in scale and would bring negligible traffic to the area. Sufficient L/UL and manoeuvring spaces will be provided within the Site;
- (g) the storage and L/UL activities will be held within the proposed enclosed warehouse structure to minimise environmental impact and nuisance to the surrounding areas. 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) the applicant has submitted drainage proposal in support of the application and the drainage impact of the proposed development is minimal; and

Compatible to the Surrounding Environment and No Undesirable Precedent

- (i) the proposed relocation is a direct result of the Government’s resumption exercise for the YLS Development. The application should be considered different from any other temporary development proposals in the subject “AGR” zone. Similar application for warehouse use within the same “AGR” zone was approved by the Board (Application No. A/YL-TT/575). Approval of the application would not create an undesirable precedent.

**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 Applications**

The Site is involved in three previous applications (No. A/YL-TT/92, 103 and 292) for open storage uses which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2011, the considerations of which are not relevant to the current application. Details of the applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.

**6. Similar Applications**

- 6.1 There is one similar application (No. A/YL-TT/575) for temporary warehouse use and associated land filling within the subject “AGR” zone approved by the Committee in 2022 mainly on the grounds that the proposal was to facilitate

relocation of a business affected by the Kwu Tung North New Development Area development which was provided with policy support from the Development Bureau; the approval on a temporary basis of three years would not frustrate the long-term planning intention; and the development was not incompatible with the existing landscape character of the surrounding areas. Details of the application are summarised at **Appendix II** and the location is shown on **Plan A-1a**.

- 6.2 For Members' information, application No. A/YL-TT/610 (for proposed temporary warehouse) within the same "AGR" zone will also be considered at this meeting (**Plan A-1a**).

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

- 7.1 The Site is:

- (a) accessible via a local track from Tai Shu Ha Road East (**Plan A-3** and **Drawing A-1**); and
- (b) currently formed and vacant (**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 open storage/storage yards, parking of vehicles, factory/workshop, agricultural land, residential structures, training centre and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its west; and
- (c) except the training centre to its northeast operating with valid planning permission (No. A/YL-TT/506), the open storage/storage yards, parking of vehicles and factory/workshop in the vicinity are suspected unauthorized developments subject to planning enforcement action.

## **8. Planning Intention**

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. 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 Aspect**

#### 9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a warehouse for storage of construction materials in Yuen Long, which was displaced by the YLS Development. According to the applicant, a thorough site search has been conducted with a view to identifying suitable site for re-establishment of its business affected by site clearance under YLS Development, and the site under the current application is the only one considered suitable and practicable after the site search. The Site is of similar size as the site cleared by the Government; and
- (b) according to the concerned departments, the proposed use is not incompatible with surrounding land uses and would not create insurmountable impacts in technical terms subject to imposition of appropriate approval conditions. To facilitate smooth implementation of the project and provide operating space for displaced brownfield operations still needed by the community, the application is supported from the policy perspective.

9.3 The following government departments have adverse comments on the application.

### **Environment**

#### 9.3.1 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 10m to its west) (**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.

### **Agriculture**

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

The Site falls within the “AGR” zone and is generally vacant. 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 and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective. Nevertheless, he has no comment from nature conservation point of view.

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

On 22.8.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual providing views that the Site has been used for brownfield use for decades and the area should be rezoned to reflect the actual degraded land use (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed warehouse for storage of construction materials for a period of three years at the Site zoned “AGR” on the OZP. The proposed use is not 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. Nevertheless, the Site is currently vacant and has not been put to its intended agricultural use for years.
- 11.2 According to the applicant, the application is to facilitate relocation of a business operation affected by the YLS Development. The applicant had undergone a thorough site-selection process before identifying the Site as the most suitable site for relocation. The size of the Site (i.e. about 900m<sup>2</sup>) is comparable to its previous operation (i.e. about 620m<sup>2</sup>). To minimise environmental nuisances to the surrounding areas, the applicant has proposed to house the warehouse use and the related L/UL activities within the enclosed structure at the Site. With the policy objective of ensuring timely development of YLS 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 from the policy perspective. In view of the above and with the policy support from SDEV, sympathetic consideration may be given to the application and approval of the application on a temporary basis for a period of three years could be tolerated.
- 11.3 The Site is situated in an area of mixed character with open storage/storage yards, parking of vehicles, factory/workshop, agricultural land, residential structures and vacant land/structures (**Plan A-2**). The proposed use is considered not entirely incompatible with the surrounding environment.
- 11.4 DEP does not support the application as the proposed use will cause traffic of heavy vehicles and environmental nuisance on the sensitive receivers in the vicinity of the Site is expected (with the nearest one located about 10m to its west). Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 Other relevant departments, including the Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application. Adverse traffic, drainage and fire safety impacts are not envisaged.
- 11.6 Given one similar application with policy support within the subject “AGR” zone has been approved by the Committee in 2022, approval of the current application is generally in line with the Committee’s previous decision.

- 11.7 There is one public comment providing views 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 11.6 above are relevant.

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

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the proposed warehouse for a period of three years 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 13.10.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no heavy goods vehicle, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site, at any time during the planning approval period;
- (d) 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 13.4.2024;
- (e) in relation to (d) 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 13.7.2024;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 13.4.2024;
- (h) in relation to (g) 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 13.7.2024;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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 (d), (e), (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 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 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 warehouse 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**

<b>Appendix I</b>	Application Form with Attachments received on 14.8.2023
<b>Appendix Ia</b>	FI received on 4.10.2023
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Plans A-1a to A-1b</b>	Location Plans
<b>Plan A-2</b>	Site Plan

**Plan A-3**

Aerial Photo

**Plan A-4**

Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**