

Withdrawn by Applicant

RNTPC Paper No. A/YL-TT/610
For Consideration by
the Rural and New Town
Planning Committee
on 13.10.2023

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

APPLICATION NO. A/YL-TT/610

- Applicant** : Grand Glory Investment Holdings Limited represented by R-riches Property Consultants Limited
- Site** : Lots 1931 and 1932 in D.D. 118, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,573 m² (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 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 a period of three years and associated filling of land 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). 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 formed, partly vacant and partly used for open storage without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible via a local track from Tai Shu Ha Road East (**Plan A-2**). According to the applicant, the proposed warehouse is for storage of miscellaneous goods (i.e. packaged food, apparel, footwear, electronic goods, etc.). There will not be any recycling, cleaning, repairing, dismantling or other workshop activities and no heavy goods vehicle (HGV) is allowed to enter/exit the Site. Filling of land with concrete of not more than 0.2m (about) in depth is proposed at the whole site for site formation for the structure, parking, loading/unloading (L/UL) spaces and circulation area. Plans showing the vehicular access, site layout, extent of land filling and landscape proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

Site Area	About 1,573 m ²
Total Floor Area	About 1,882 m ²
Extent of Filling of Land	About 1,573 m ² (i.e. the entire Site, with a depth of about 0.2m)
No. of Structure	1
Height of Structure	13m, (2-storey)
No. Parking Spaces	2 for private car (2.5m x 5m)
No. of L/UL Spaces	1 for light goods vehicle (3.5m x 7m) 1 for medium goods vehicle (3.5m x 11m)
Operation Hours	9:00 a.m. to 6:00 p.m. (No operation on Sundays and Public Holidays)

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

- (a) Application Form with attachments received on 23.8.2023 (**Appendix I**)
- (b) Further Information (FI) received on 5.10.2023 (**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:

- (a) there is no active agricultural activities at the Site and the proposed use is considered not incompatible with the surrounding areas which are predominately workshop, warehouse and open storage uses and vacant land. The proposal in temporary nature would better utilise the deserted agricultural land and would not jeopardise the long-term planning intention of the “AGR” zone;
- (b) similar application for warehouse use within the same “AGR” zone was approved by the Board (Application No. A/YL-TT/575). Approval of the current application is in line with the Board’s previous decision and would not set an undesirable precedent;
- (c) the proposed concrete site formation is required to meet the operation needs and has been kept to minimal for such needs. The applicant pledges to reinstate the Site to an amenity area after the planning approval period; and
- (d) the proposed use will 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. 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**

There is no previous application concerning the Site.

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 Rural and New Town Planning Committee (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 (DEVB); 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/608 (for proposed temporary warehouse for storage of construction materials) 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) formed, partly vacant and partly used for open storage without valid planning permission (**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, agricultural land, residential structures and vacant land/structures;

- (b) there are residential structures in the vicinity of the Site with the nearest one located about 15m to its southeast; and
- (c) the open storage/storage yards in the vicinity are suspected unauthorized developments (UDs) 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 Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 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 are provided in **Appendices III** and **IV** respectively.
- 9.2 The following government departments have adverse comments on the application.

Environment

9.2.1 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 15m to its southeast) (**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

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

the Site falls within the “AGR” zone and is occupied with containers. 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 1.9.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed warehouse for a period of three years and associated filling of land 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. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis.
- 11.2 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.
- 11.3 The Site is situated in an area of mixed character with predominantly open storage/storage yards, intermixed with agricultural land and 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 15m to its southeast). Other relevant departments, including the Commissioner for Transport, CE/MN, DSD 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.
- 11.5 There is one similar application (No. A/YL-TT/575) approved by the Committee in 2022 mainly on the consideration that there was policy support from the DEVB, in which the circumstances of that application is considered as unique. Such consideration is however not applicable to the current application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department does not support the application for the following reasons:
 - (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.

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 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, as proposed by the applicant, at any time during the planning approval period;
- (d) 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 13.4.2024;
- (e) in relation to (d) 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 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;
- (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; and
- (k) 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**.

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	Application Form with Attachments received on 23.8.2023
Appendix Ia	FI received on 5.10.2023
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Site Paving Plan
Drawing A-4	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**