

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/617

- Applicants** : Sino Noble Development Limited and Mr. Chang Wai Kei represented by Metro Planning and Development Company Limited
- Site** : Lots 1551, 1552, 1556 (Part) and 1557 (Part) in D.D. 118, Yuen Long, New Territories
- Site Area** : 1,250 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 Open Storage of Mobile Toilet for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicants seek planning permission for proposed open storage of mobile toilet for a period of three years and associated filling of land at 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 largely vacant at present (**Plans A-2 to A-4**).
- 1.2 According to the applicants, the current application is to facilitate the relocation of existing open storage operation located in Kung Um Road which is affected by the land resumption and clearance exercise under the Yuen Long South (YLS) Development. Thus, there is an imminent need for the applicants to secure a relocation site to continue the affected operation.
- 1.3 The Site can be accessed via a local track leading from Tai Shu Ha Road West (**Plan A-1**). According to the applicants, the proposal is for open storage of mobile toilets. Only light goods vehicle not exceeding 5.5 tonnes will be allowed to access the Site and no workshop activities will be carried out. Besides, the applicants also propose to pave the entire site with concrete with a depth of about 0.2m. Plans showing the vehicular access, proposed site layout and landscape

proposal, land filling proposal and drainage proposal submitted by the applicants are at **Drawings A-1 to A-4** respectively.

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

Site Area	About 1,250 m ²
Extent of Filling of Land	About 1,250 m ² (i.e. the entire Site, with a depth of about 0.2m)
Total Floor Area	Not more than 230 m ²
No. of Structures	3 for storage, site office and toilet
Height of Structures	3-6m (1 storey)
No. of Parking Spaces	1 (for private car) (5m x 2.5m)
No. of loading/unloading (L/UL) Space	1 (for light goods vehicle) (7m x 3.5m)
Operation Hours	9:00 a.m. to 5:00 p.m. (No operation on Sundays and Public Holidays)

- 1.5 In support of the application, the applicants have submitted the following documents:

- (a) Application Form received on 10.10.2023 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 20.11.2023* **(Appendix Ib)**
- (d) FI received on 23.11.2023* **(Appendix Ic)**
- (e) FI received on 6.12.2023* **(Appendix Id)**
[*accepted and exempted from publication requirements]

2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form, supplementary planning statement and FIs (**Appendices Ia to Id**). They can be summarised as follows:

Thorough Site Selection Process

- (a) the applicants have undergone a thorough site selection process in identifying a suitable relocation site for their affected operation. The site selection process is difficult as land in Categories 1 and 2 areas under the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) are either unaffordable or have been occupied by other operators. Four prospective sites in North and Yuen Long Districts have been reviewed but considered not appropriate because of the land size, acquisition costs, traffic concerns and encroachment to “Conservation Area” zone. Despite the Site is mainly zoned “AGR” on the OZP, it has been abandoned from farming for a long time;

- (b) the Site is considered suitable for relocation of the affected operation as it is highly accessible and the Site is similar in size (about 1,250m²) to the affected operation in Kung Um Road (i.e. about 1,338m²);

Compatible to the Surrounding Environment and No Undesirable Precedent

- (c) the proposed temporary use is not incompatible with the surrounding areas, and the temporary nature of the application would not jeopardise the long-term planning intention of the “AGR” zone. Similar relocation of open storage and workshop uses has been approved in the adjoining lots (i.e. Application No. A/YL-TT/583);
- (d) the proposed relocation is a direct result of the land resumption for the YLS Development by the Government, which should be considered as unique case. As such, approval of the application would not create an undesirable precedent;

Need for Land Filling

- (e) as the Site is undulated and uneven in topography, filling of land is required for open storage use;

No Adverse Traffic, Environmental, Visual and Drainage Impacts

- (f) the operation will bring negligible traffic to the area and all L/UL, parking and manoeuvring of vehicles will be carried out within the Site. No operation will be carried out during sensitive hours and no workshop use is proposed;
- (g) landscaping along the site boundary will be provided to minimise the potential visual impact and enhance amenity in the neighbourhood; and
- (h) no adverse traffic, environmental and drainage impacts arising from the proposed use are anticipated. The applicants will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”) to minimise possible environment nuisance.

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

The applicants are the sole ‘current land owners’ of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Town Planning Board Guidelines

TPB PG-No. 13G are relevant to this application. The Site falls within Category 3 under TPB PG-No. 13G promulgated by the Board on 14.4.2023. The relevant extract of the Guidelines is attached at **Appendix II**.

6. **Previous Application**

There is no previous application at the Site.

7. **Similar Applications**

- 7.1 There are three similar applications (No. A/YL-TT/500, 583 and 590) for various temporary open storage uses with/without other uses within the subject “AGR” zone in the past five years. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 7.2 Applications No. A/YL-TT/500 and 590 involving open storage use were rejected by the Rural and New Town Planning Committee (the Committee) of the Board between 2020 and 2023 mainly on the considerations that the proposed developments were not in line with the planning intention of the “AGR” zone and the then TPB PG-No. 13F/13G; and approval of the application would set an undesirable precedent.
- 7.3 Application No. A/YL-TT/583 involving temporary vehicle repair workshop and open storage use with associated filling of land was approved by the Committee in 2023 mainly on the considerations that there was policy support from the Development Bureau as it was to accommodate brownfield operations affected by YLS Development; the development complies with the TPB PG-No. 13G; not entirely incompatible with the surrounding areas; and no major adverse departmental comments or the concerns of relevant government departments and local residents could be addressed through approval condition.

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

- 8.1 The Site is:
 - (a) accessible from Tai Shu Ha Road West to its west via local track (**Plan A-3**); and
 - (b) largely vacant (**Plans A-2 to A-4**).
- 8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):
 - (a) predominantly unused land and agricultural land, intermixed with a vehicle repair workshop, open storage/storage yards and warehouses, residential structures, graves and an orchard; and
 - (b) except the vehicle repair workshop and an open storage yard with valid planning permission under application No. A/YL-TT/583, the other open storage/storage yards and warehouses within the “AGR” zone in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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, 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.

10. Comments from Relevant Government Bureau/Departments

- 10.1 Apart from the government bureau/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 are provided in **Appendices IV and V** respectively.
- 10.2 The following government bureau supports the application.

Policy Support

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the current application is to facilitate relocation of a brownfield operation for open storage of mobile toilet in Yuen Long, which will be displaced by the Second Phase of YLS Development. According to the applicants, a thorough site search has been conducted with a view to identifying suitable site for re-establishment of its business elsewhere to pave way for the clearance under the YLS Development, and the Site is the only one considered suitable and practicable after the site search. The Site is of similar size as the one to be 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 clearance for the project and provide operating space for displaced brownfield operations still needed by the community, the application is supported from the policy perspective.

- 10.3 The following government department has adverse comment on the application.

Agriculture

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

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 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 perspective.

11. Public Comments Received During the Statutory Publication Period

On 17.10.2023, the application was published for public inspection. During the statutory public inspection period, two public comments were received. An individual objects to the application on the grounds that there is no previous approval for the Site; approval of the current application would allow further extension of brownfield operations further to the “AGR” zone; and land resources should not be used to subsidise accommodation of brownfield operations (**Appendix VII-1**). Kadoorie Farm and Botanic Garden Corporation provides views that the Board should investigate the site condition before making a decision (**Appendix VII-2**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed open storage of mobile toilet for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. According to the applicants, the application is to facilitate the relocation of existing business operations affected by the Second Phase of YLS Development. The applicants have undergone a thorough site-selection process before identifying the Site as the most suitable relocation site. The Site is highly accessible and the size of the Site (i.e. about 1,250m²) is comparable to its current operations (i.e. about 1,338m²). To facilitate smooth clearance for the YLS Development and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from the policy perspective.
- 12.2 The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective mainly on the consideration that the Site possesses potential for agricultural rehabilitation. Nevertheless, the Site has not been put into its intended agricultural use for years. Taking into account the planning assessments below and policy support from SDEV, approval of the application on a temporary basis for a period of three years could be tolerated.
- 12.3 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 Director of Environmental Protection (DEP) have no objection in this regard from drainage and environmental perspectives.
- 12.4 The Site is situated in an area of unused/agricultural land intermixed with vehicle repair workshop, open storage/storage yards and warehouses, residential structures, graves and orchard. The proposed use is considered not entirely incompatible with the surrounding environment. The applicants also submitted a landscape plan to minimise the potential visual impact and enhance amenity in the neighbourhood. In this regard, the Chief Town Planner/Urban Design &

Landscape, Planning Department has no comment on the application from landscape point of view.

- 12.5 Concerned government departments, including the Commissioner for Transport (C for T), DEP, CE/MN, DSD and Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental, drainage and fire safety impacts. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicants will also be advised to follow the latest Code of Practice to minimise any potential environmental nuisance on the surrounding areas.
- 12.6 The Site falls within Category 3 areas under the TPB PG-No. 13G. Taken into account the policy support from the SDEV and no major adverse departmental comments and local objections have been received on the application and the concerns of relevant government departments can be addressed through the imposition of approval conditions, sympathetic consideration can be given to the current application.
- 12.7 While there are two similar applications within the subject “AGR” zone rejected by the Committee since 2020, the Committee has approved a similar application within the same “AGR” zone in 2023 which also obtained policy support. Given there are no adverse comments from major concerned departments and taking into consideration the justifications provided by the applicants, the policy support from SDEV and similar approval with policy support, approval of this application is not in conflict with the previous decisions of the Committee.
- 12.8 There are two public comments objecting to/providing views on the application received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.7 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, the Planning Department considers that the proposed open storage of mobile toilet for a period of three years and associated filling of land could be tolerated.
- 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 8.12.2026. 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 8.6.2024;
- (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 8.9.2024;

- (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 provision of fire extinguisher(s) with a valid fire certificate (FS 251) 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 19.1.2024;
- (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 8.6.2024;
- (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 8.9.2024;
- (g) if any 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 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 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.

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 applicants.

15. Attachments

Appendix I	Application Form received on 10.10.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 20.11.2023
Appendix Ic	FI received on 23.11.2023
Appendix Id	FI received on 6.12.2023
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Good Practice Guidelines for Open Storage Sites
Appendices VII-1 and VII-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan with Landscape Proposal
Drawing A-3	Site Paving Plan
Drawing A-4	Drainage Proposal
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**