

RNTPC Paper No. A/YL-TT/626B and 628B  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 19.7.2024

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

**APPLICATIONS NO. A/YL-TT/626 and 628**

<b><u>Applicant</u></b>	:	KWOK Wa Mui <sup>1</sup>
<b><u>Sites</u></b>	:	Lots 580 S.N (Part) and 580 RP (Part) (Application No. A/YL-TT/626) in D.D. 117 and Lots 1835 (Part) and 1836 (Part) in D.D. 119 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories  Lot 579 in D.D. 117, Tai Tong, Yuen (Application No. A/YL-TT/628) Long, New Territories
<b><u>Site Area</u></b>	:	About 510m <sup>2</sup> (Application No. A/YL-TT/626) (including GL of about 60m <sup>2</sup> or 12%)  About 1,657m <sup>2</sup> (Application No. A/YL-TT/628)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20 (currently in force)  Draft Tai Tong OZP No. S/YL-TT/19 (at the time of submission) [No change to the zoning of the application sites]
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Proposed Temporary Warehouse for a Period of 3 Years and Associated Filling of Land (same for both applications)

**1. The Proposals**

- 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 sites (the Sites) zoned “AGR” on the OZP (**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

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<sup>1</sup> Both applications are submitted by the same applicant.

(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 for application No. A/YL-TT/626 is currently paved and occupied by open storage of vehicles without valid planning permission (**Plans A-2 and A-4a**) whereas the Site for application No. A/YL-TT/628 is partly paved, largely vacant and occupied by a structure in the south (**Plans A-2, A-4b and A-4c**).

- 1.2 The Sites are adjoining with each other and accessible via a local track connecting with Kiu Hing Road with the ingress/egress points located in the west of the Sites. According to the applicant, the proposed 1-storey (in height of 5.5m) structures on each site with a floor area of about 510m<sup>2</sup> and 860m<sup>2</sup> respectively are for storage of vehicle spare parts and accessories. The applicant also proposes to regularise the filling of land at the entire Site of application No. A/YL-TT/626 with a depth of about 0.15m. For application No. /YL-TT/628, the applicant proposes to regularise the filling of land for the southern part of the Site and to fill the northern part of the Site with a depth of about 0.15m. Plans showing the layout and the vehicular route leading to the Sites for the two applications submitted by the applicant are at **Drawings A-1a to A-2b** respectively.

- 1.3 The development parameters of the applications are summarised as follows:

	<b>Application No. A/YL-TT/626</b>	<b>Application No. A/YL-TT/628</b>
Site Area	About 510 m <sup>2</sup> including GL of about 60m <sup>2</sup> (or 12%)	About 1,657 m <sup>2</sup>
Area involved Filling of Land	About 510 m <sup>2</sup> (i.e. with a depth of about 0.15 m)	About 1,657 m <sup>2</sup> (i.e. with a depth of about 0.15 m)
Total Floor Area (Warehouse)	About 510 m <sup>2</sup> (100%)	About 860 m <sup>2</sup> (52%)
No. of Structure	1 for warehouse	1 for warehouse
Height of Structure	Not more than 5.5m (1 storey)	Not more than 5.5m (1 storey)
No. of Loading/Unloading Spaces	2 for Light Goods Vehicle (7m x 3.5m)	2 for Light Goods Vehicle (7m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 p.m. (Mondays to Saturdays) (no operation on Sundays and Public Holidays)	9:00 a.m. to 7:00 p.m. (Mondays to Saturdays) (no operation on Sundays and Public Holidays)

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

- (a) Application Forms with attachments received (**Appendices Ia and Ib**) on 1.12.2023
- (b) Further Information (FIs) received on (**Appendices Ic and Id**) 11.3.2024\*
- (c) FIs received on 31.5.2024\* (**Appendices Ie and If**)

*\*accepted and exempted from publication and recounting requirements*

- 1.5 On 26.1.2024 and 10.5.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on both applications for two months respectively as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the applications are detailed in the Application Form and FIs at **Appendices Ia to If**. They can be summarised as follows:

- (a) to make good use of land resources for warehouse use in light of the rapid development of northwest New Territories; and
- (b) no tree felling is involved. The proposed use including the structure would not cause any adverse impact on the area or affect other users.

## **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. 31B) by posting Site notices and sending the notices to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion under Application No. A/YL-TT/626, the requirements under TPB PG-No. 31B are not applicable.

## **4. Background**

- 4.1 The Site of application No. A/YL-TT/626 is the subject of a planning enforcement case (No. E/YL-TT/699) against an unauthorized development (UD) involving storage use. The compliance period of the Enforcement Notice (EN) expired on 28.12.2023. The latest site inspection in April 2024 revealed that the UD still continued upon expiry of the notice. The Planning Authority will consider instigating prosecution action.
- 4.2 Majority of the Site of application No. A/YL-TT/628 is the subject of a planning enforcement case (No. E/YL-TT/697) against UD involving storage use. The compliance period of the EN expired on 28.12.2023. As revealed in the site inspections in June 2024, the site was found vacant. Reinstatement Notice will be issued requiring reinstatement of the concerned land.

## **5. Previous Application**

There is no previous application concerning the Sites.

## **6. Similar Application**

- 6.1 There is one similar application (No. A/YL-TT/629) involving the same use within the same “AGR” zone in the past five years, which was rejected by the Committee in May 2024 mainly on considerations that the proposed use was not in line with the planning intention of the “AGR” zone and not compatible with the surrounding rural character. Details of the application are summarised at **Appendix II** and the location is shown on **Plan A-1**.
- 6.2 For Members’ information, another application (No. A/YL-TT/645) for temporary warehouse for storage of construction materials in the “AGR” zone in the vicinity will be considered by the Committee at the same meeting (**Plan A-1**).

## **7. Planning Intention**

- 7.1 The planning intention of “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.
- 7.2 According to the Explanatory Statement to 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 “AGR” zone.

## **8. The Sites and their Surrounding Areas (Plans A-1 to A-4c)**

- 8.1 The Sites are:
  - (a) located at the fringe at Pak Sha Tsuen and accessible via a local track connecting with Kiu Hing Road;
  - (b) for application No. A/YL-TT/626 - fenced off, paved and occupied by open storage of vehicle without valid planning permission; and
  - (c) for application No. A/YL-TT/628 - fenced off, partly paved, largely vacant and occupied by a structure in the south.
- 8.2 The surrounding areas are rural in nature predominantly occupied with agricultural land and village houses. There are also some open storage/storage yards in the vicinity which are suspected UD's subject to planning enforcement action.

## **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 applications. Their general comments on the applications and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.
- 9.2 The following government departments have objection to/adverse comment on the application:

### **Agriculture**

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

- (a) he does not support the applications from agricultural perspective;
- (b) the Sites fall within the “AGR” zone. The Site of application No. A/YL-TT/626 is generally occupied by vehicles and structures while that of application No. A/YL-TT/628 is generally vacant. Agricultural activities in the vicinity are active, and agricultural infrastructures such as road access and water source are also available. The Sites can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Sites possess potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and
- (c) no comment from nature conservation perspective.

### **Landscape**

#### 9.2.2 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

there are farmlands within the same “AGR” zone either in close proximity or right next to the Sites (**Plan A-3**). The proposed use and associated filling of land are considered incompatible with the surrounding landscape resources (farmland) and character (rural landscape) from the landscape planning perspective.

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

On 8.12.2023, the applications were published for public inspection. During the statutory public inspection period, three public comments were received for each of the applications (**Appendices Va and Appendices Vb**). Two individuals object to both applications on the grounds that there is no proper road serving the Sites directly; the proposed use will generate adverse traffic and safety concerns on the surrounding area and the proposed use is not compatible with the nearby agricultural activities whereas the remaining public comment from Kadoorie Farm & Botanic Garden Corporation questions the appropriateness of approving the applications if the Sites are the subject of ongoing enforcement cases.

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

- 11.1 The applications are for proposed temporary warehouse for a period of three years and associated filling of land at the Sites zoned “AGR” on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone. In this regard, DAFC does not support the applications from agricultural point of view as there are active agricultural activities and agricultural infrastructure in the vicinity of the Sites and the Sites possess potential for agricultural rehabilitation. No strong

planning justifications have been given in the submissions for a departure from the planning intention, even on a temporary basis.

- 11.2 The applicant proposes to regularise the filling of land for the entire Sites. 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 of Drainage Services Department and Director of Environment Protection have no objection to the application from drainage and environmental perspectives.
- 11.3 The Sites are located at the fringe of Pak Sha Tsuen. The surrounding areas of the Sites are rural in nature predominantly occupied with agricultural land and village houses (**Plans A-2 and A-3**). CTP/UD&L, PlanD considers that the proposed use and associated filling of land are not compatible with the surrounding landscape resources and characters from the landscape planning perspective.
- 11.4 Other concerned government departments, including the Commissioner for Transport and Director of Fire Services have no objection to/no adverse comment on the applications from traffic and fire safety perspectives respectively.
- 11.5 There is one similar application within the subject “AGR” zone which was rejected by the Committee in 2024. Approval of the applications would set an undesirable precedent and encourage proliferation of similar warehouse use within the “AGR” zone. The cumulative effect of approving such similar applications would result in further degradation of the landscape quality of the surrounding areas. Rejecting the current applications is in line with the Committee’s previous decision.
- 11.6 There are three public comments objecting to/having adverse views on each of the applications received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 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 comments as summarised in paragraph 10, the Planning Department does not support the two applications (No. A/YL-TT/626 and 628) for the following reasons:
  - (a) the proposed use and associated filling of land are 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 to justify a departure from the planning intention, even on a temporary basis; and
  - (b) the proposed use and associated filling of land are not compatible with the surrounding landscape character.
- 12.2 Alternatively, should the Committee decide to approve the applications, it is suggested that the permission shall be valid on a temporary basis for a period of

three years for each of the applications until 19.7.2027. The following conditions of approval and advisory clauses for the respective applications are also suggested for Members' reference:

Approval conditions

- (a) 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 19.1.2025;
- (b) in relation to (a) 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 19.4.2025;
- (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 19.1.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.4.2025;
- (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 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 applications and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application(s), 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(s), 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**

<b>Appendix Ia</b>	Application Form with plans received on 1.12.2023 (application No. A/YL-TT/626)
<b>Appendix Ib</b>	Application Form with plans received on 1.12.2023 (application No. A/YL-TT/628)
<b>Appendices Ic and Id</b>	FIs received on 11.3.2024
<b>Appendices Ie and If</b>	FIs received on 31.5.2024
<b>Appendix II</b>	Similar Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices Va-1 to Va-3</b>	Public Comments received during statutory public period (application No. A/YL-TT/626)
<b>Appendices Vb-1 to Vb-3</b>	Public Comments received during statutory public period (application No. A/YL-TT/628)
<b>Drawings A-1a and A-1b</b>	Layout Plans
<b>Drawings A-2a and A-2b</b>	Vehicular Access Plans
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4c</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**