

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

**APPLICATION NO. A/YL-TT/642**

- Applicant** : Men Fung Investment Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 1302 RP (Part) in D.D. 118, Tai Shu Ha Road West, Yuen Long, New Territories
- Site Area** : 706 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage and Warehouse for Storage of Construction Materials for a Period of 3 Years and Filling of Land

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage and warehouse for a period of three years and associated filling of land 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 building 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 vacant and formed (**Plan A-4**).
- 1.2 The Site can be accessed from Tai Shu Ha Road West to its west via a local track (**Plan A-2**). According to the applicant, the proposed uses comprise an open area (300m<sup>2</sup> or about 42% of the Site) for storage of construction materials, a 1-storey (8.5m) warehouse with a floor area of 230m<sup>2</sup> for storage of construction materials and a 2-storey site office cum toilet (floor area of 40m<sup>2</sup>). The applicant also proposes to regularise the filling of land by concrete for the entire Site with a depth of about 0.2m. Plans showing the proposed site layout, site level and drainage proposal submitted by the applicant are at **Drawings A-1** to **A-3** respectively.

- 1.3 The Site is subject to three previously rejected applications (**Plan A-1b**) including two applications for temporary open storage use in 2008 and 2009 (detailed in paragraph 6 below). As compared with the last application No. A/YL-TT/234, the current applicant is submitted by a different applicant for similar use but with a different layout and different development parameters. The major development parameters of the current application are summarised as follows:

<b>Site Area</b>	706 m <sup>2</sup> (about)
<b>Area Involved Filling of Land</b>	About 706 m <sup>2</sup> (100%, with a depth of about 0.2m)
<b>Open Storage Area</b>	300 m <sup>2</sup> (about) (42% of the Site)
<b>Total Floor Area</b>	270 m <sup>2</sup> (about)
<b>No. and Height of Structures</b>	2 - 1 for warehouse (1 storey, not more than 8.5m) - 1 for site office and toilet (2 storeys, not more than 6m)
<b>No. of Loading/Unloading Space</b>	1 for Light Goods Vehicles (3.5m x 7m)
<b>Operation Hours</b>	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 application, the applicant has submitted an Application Form and supplementary statement received on 28.3.2024 (**Appendix I**).

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

The justifications put forth by the applicant in support of the application are detailed in the Application Form and supplementary statement at **Appendix I**. They can be summarised as follows:

- (a) the proposed uses are temporary in nature and would not jeopardise the planning intention of “AGR” zone;
- (b) the Site falls within ‘Category 2 Area’ according to the Town Planning Board Guidelines No. 13G, in which open storage activities would normally be approved if there is no adverse comment from government departments;
- (c) the nature, layout, form and scale of the proposed uses are not incompatible with the surrounding areas. Similar open storage use has been approved at adjacent land; and
- (d) the proposed uses would have insignificant traffic, drainage and environmental impacts.

### 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.

### 4. **Background**

4.1 The Site was the subject of a planning enforcement case (No. E/YL-TT/565) against an unauthorized development (UD) involving workshop and storage uses in 2017 (**Plan A-2**). Enforcement Notice was issued on 4.12.2017 requiring discontinuation of the UD by 4.3.2018. Compliance Notice was issued on 29.6.2018.

4.2 The Site is currently not subject to planning enforcement action.

### 5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) is relevant to the application. The Site<sup>1</sup> falls within Category 2 areas under the Guidelines. Relevant extract of the Guidelines is at **Appendix II**.

### 6. **Previous Applications**

6.1 The Site was involved in three previous applications (No. A/YL-TT/89, 226 and 234). Details of the previous applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.

#### **Rejected Applications**

6.2 Applications No. A/YL-TT/226 and 234 for temporary open storage of machinery with/without temporary warehouse for construction machinery and materials each for a period of three years were rejected by the Committee in 2008 and the Board on review in 2009 respectively on grounds of being not in line with the planning intention of “AGR” and the then TPB PG-No.13; setting of undesirable precedent; and insufficient information to demonstrate that the proposed use would not cause adverse impacts on the surrounding areas.

6.3 Application No. A/YL-TT/89 for temporary marble workshop for a period of three years was rejected by the Board on review in 2001. Considerations of the application are not relevant to the current application which involves a different use.

---

<sup>1</sup> The Site has been re-classified from Category 3 to Category 2 areas under TPB PG-No. 13G promulgated on 14.4.2023.

## **7. Similar Applications**

There are four similar applications (No. A/YL-TT/575, 583, 608 and 617) for temporary warehouse and/or open storage with or without associated filling of land each for a period of three years within the same “AGR” zone in the last five years. All these applications were approved by the Committee in 2022 and 2023 respectively on considerations that there were policy supports from the Development Bureau to accommodate brownfield operations affected by government projects; the temporary uses would not frustrate the long-term planning intention of the “AGR” zone; the proposals were not incompatible with the surrounding land uses and would unlikely create significant adverse impacts on the surrounding areas. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 9.1 The Site is:
  - (a) currently vacant, formed and fenced off; and
  - (b) accessible from Tai Shu Ha Road West via a local track.
- 9.2 The surrounding areas are predominantly rural in character intermixed with warehouses, storage yards, temporary structures, vacant/unused land, graves and tree groups. Except for the vehicle repair workshop and open storage uses under Application No. A/YL-TT/583 to the immediate east, the other storage yards and warehouses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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

- 10.1 Apart from the government department as set out in paragraph 10.2 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 IV** and **V** respectively.
- 10.2 The following government department has adverse comments on/objection to the application.

## **Agriculture**

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

- (a) the Site falls within an “AGR” zone and is generally vacant. The agricultural activities in the vicinity are active 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 uses are not supported from agricultural perspective; and
- (b) no comment from nature conservation perspective.

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

On 5.4.2024, the application was published for public inspection. During the three weeks of the statutory public inspection period, one public comment was received from an individual commenting that the Site had been operated as a brownfield for a period of time and no enforcement action has been taken (**Appendix VII**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary open storage and warehouse for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The proposed uses are 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, taking into account the planning assessments below, approval of the application on a temporary basis for a period of three years could be tolerated.
- 12.2 The applicant proposes to regularise the filling of land with concrete for the entire Site. 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 applicant has submitted a drainage proposal to support the application. In this regard, 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. Nevertheless, the applicant is required to reinstate the Site to amenity area upon expiry of the planning permission if the application is approved.
- 12.3 The Site falls within Category 2 areas under the TPB PG-No.13G. A large portion of the Site (about 42%, 300m<sup>2</sup>) is proposed for open storage use. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical

assessments, where appropriate or if required, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.4 The proposed uses are considered not incompatible with the surrounding areas which are predominantly rural in character intermixed with temporary structures, warehouses, storage yards, vacant/unused land, graves and tree groups (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 12.5 Other concerned government departments, including the Commissioner for Transport and Director of Fire Services have no objection to/no adverse comment on the application on traffic and fire safety aspects respectively. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of the concerned government departments.
- 12.6 The application generally complies with the TPB PG-No. 13G in that no major adverse departmental comments have been received on the application and the concerns of the relevant government departments can be addressed through implementation of approval conditions.
- 12.7 Although the Site is the subject of three previously rejected applications, given that there have been changes in planning circumstances (i.e. the Site has been re-classified from Category 3 to Category 2 areas under TPB PG-No. 13G) and four similar applications within the same “AGR” zone have been approved by the Committee with conditions since 2022, approval of the current application is generally in line with the Committee’s previous decisions on similar applications.
- 12.8 There is one public comment expressing concern on any enforcement action taken received during the statutory publication period. The background in paragraph 4 and 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 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary open storage and warehouse uses 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 24.5.2027. 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 24.11.2024;

- (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 24.2.2025;
- (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 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 5.7.2024;
- (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 24.11.2024;
- (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 24.2.2025;
- (g) 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;
- (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 Member's reference:

the proposed uses and associated filling of land are not in line with the planning intention of the "Agriculture" 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 applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form with Supplementary Statement received on 28.3.2024
<b>Appendix II</b>	Relevant Extract of TPB PG-No.13G
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Good Practice Guidelines for Open Storage Sites
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	Site Level Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2024**