

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/648

- Applicant** : Ming Chi Property Management Limited represented by R-riches Property Consultants Limited
- Site** : Lots 1438, 1441 (Part), 1442, 1443 S.A, 1443 S.B and 1450 S.B in D.D. 118 and Adjoining Government Land (G.L.), Tai Tong, Yuen Long, New Territories
- Site Area** : 2,647 m² (about) (including G.L. of about 779 m² or 29%)
- 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 Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities 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 (excluding dangerous goods godown) with ancillary facilities for a period of three years and associated filling of land at the application site (the Site) which falls within an area zoned “AGR” on the approved Tai Tong OZP No. S/YL-TT/20 (**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 vacant, largely formed and fenced off (**Plans A-2 to A-4b**).
- 1.2 The Site can be accessed from Tai Shu Ha Road West with the ingress/ egress at the west of the Site (**Plan A-2**). According to the applicant, the proposed three one-storey structures (with a total floor area of about 594 m² and a building height of 7m) are for storage of miscellaneous goods, such as packaged food, apparel, footwear, electronic goods, furniture, etc. No dangerous goods will be stored within the Site and no workshop activities will be carried out thereat. The applicant also proposes to fill the whole site with concrete of about 0.2m in depth (up to 22.4 mPD)

(**Drawing A-3**). Drawings showing the proposed vehicular access, site layout, site level, swept path analysis and landscape proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

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

Site Area	2,647 m ² (about)
Extent of Filling of Land	About 2,647 m ² (i.e. the whole Site, with a depth of about 0.2m)
Total Floor Area (Non-domestic)	594 m ² (about)
No. of Structures	3 (for warehouses, including one with site office and washroom)
Height of Structures	1 storey, not more than 7 m
No. of Parking Spaces	3 for private cars (2.5m x 5m)
No. of Loading/Unloading Spaces	2 - 1 for Light Goods Vehicle (LVG) (3.5m x 7m) - 1 for Medium Goods Vehicle (MVG) (3.5m x 11m)
Operation Hours	9:00 a.m. to 6:00 p.m. Mondays to Saturdays (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 planning statement received on (**Appendix I**) 12.4.2024
- (b) Further Information (FI) received on 24.5.2024 (**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 FI at **Appendices I and Ia** respectively. They can be summarised as follows:

- (a) the proposal could support local warehouse and storage industry;
- (b) there is no active agricultural use on the Site which is surrounded by temporary structures for workshops and open storage uses. As such, the proposed use is considered not incompatible with the surrounding area;

- (c) previous applications for various temporary uses were approved between 2022 and 2023. Approval of the current application is considered to be in line with the Board's previous decisions;
- (d) the applicant will follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" and relevant environmental protection/pollution control ordinances; and
- (e) traffic generated and attracted by the proposal is minimal. Adverse traffic impact on the nearby road network is not anticipated.

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 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. For the G.L. portion, the requirements as set out in the TPB PG-No. 31B are not applicable.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 There are six previous applications (No. A/YL-TT/107, 184, 425, 574, 583 and 584) covering different extents of the Site. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TT/107 and 184 for temporary open storage use at a larger site each for a period three years and Application No. A/YL-TT/425 for religious institution were rejected by the Rural and New Town Planning Committee (the Committee) of the Board between 2001 and 2018, while Applications No. A/YL-TT/574, 583 and 584 for temporary animal boarding establishment or vehicle repair workshop with open storage for a period of three years were approved by the Committee in 2022 and 2023. Considerations of these applications are not relevant to the current application which involves a different use.

6. Similar Applications

There are three similar applications (No. A/YL-TT/575, 608 and 642) for temporary warehouse use with/without open storage and filling of land involving the same "AGR" zone on the OZP in the past five years, which were approved with conditions by the Committee between 2022 and 2024 mainly on the considerations of not frustrating the long-term planning intention of the "AGR" zone; and not being incompatible with the

landscape character of the surrounding areas. Details of these applications are summarised in **Appendix II** and their locations are shown on **Plan A-1a**.

7. Planning Intention

- 7.1 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.
- 7.2 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.

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

8.1 The Site is:

- (a) vacant, largely formed and fenced off; and
- (b) accessible from Tai Shu Ha Road West.

8.2 The surrounding areas are predominantly rural fringe in character intermixed with temporary structures, open storage/storage yards, tree groups and graves/unused land/vacant. Except the vehicle repair workshop and open storage operating with valid planning permission (No. A/YL-TT/583), the open storage/storage yards in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department 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 department has adverse comment on/objection to the application.

Agriculture

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

- (a) 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 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 use is not supported from agricultural perspective; and

- (b) no comment from nature conservation perspective.

10. Public Comments Received During the Statutory Publication Period

On 19.4.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals (**Appendix V**). One individual is a Village Representative of Nam Hang Tsuen supporting the application on the grounds that the proposed use would make use of the land resources, create job opportunities for the local community and have no negative impacts on the surroundings while another individual objects to the application on the ground that the Site was the subject of previously rejected cases and expresses concern on “collusion between the Government and operators” regarding the extent of brownfield use involved.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. Whilst the proposed use is not in line with the planning intention of “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.
- 11.2 Part of the Site has been paved and formed. Filling of land within the “AGR” zone also requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Environment Protection have no objection to the application from drainage and environmental perspectives. Should the Committee decide to approve the application, an approval condition requiring the reinstatement of the Site to an amenity area upon expiry of the planning permission is recommended in paragraph 12.2 below.
- 11.3 A large portion of the Site is the subject of a previously approved application (No. A/YL-TT/583) for temporary vehicle repair workshop with open storage uses. A similar application (No. A/YL-TT/642) to the immediate north was approved on 24.5.2024 (**Plans A-1a and A-1b**). The proposed use is considered not incompatible with the surrounding land uses which are predominantly rural fringe in character intermixed with temporary structures, open storage/storage yards, tree groups and graves/unused land/vacant (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no comment on the application from landscape planning perspective.
- 11.4 Other concerned government departments, including the Commissioner for Transport and the 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 12.2 below to address the technical requirements of the concerned government departments.

- 11.5 There are three similar applications within the same “AGR” zone approved by the Committee between 2022 and 2024. Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 There are two public comments received during the statutory publication period as summarised in paragraph 10 above. Regarding the concern on “collusion between the Government and operators”, each application is considered by the Committee/the Board based on its individual merits. 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 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary warehouse for a period of three years and associated filling of land 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 7.6.2027. The following conditions of approval and advisory clauses 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 7.12.2024;
- (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 7.3.2025;
- (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 7.12.2024;
- (e) in relation to (d) 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 7.3.2025;
- (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**.

- 12.3 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.

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

Appendix I	Application Form with Planning Statement received on 12.4.2024
Appendix Ia	FI received on 24.5.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Site Level Plan
Drawing A-4	Swept Path Analysis
Drawing A-5	Landscape Proposal

Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**