

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/650

- Applicant** : Blossom Trading Limited represented by R-riches Property Consultants Limited
- Site** : Lots 1338 S.A (Part), 1338 S.B (Part), 1338 S.C (Part) and 1338 S.D (Part) in D.D. 117, Tai Tong, Yuen Long, New Territories
- Site Area** : 1,835 m² (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 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 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-1**). 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 western portion of the Site is formed and occupied by vacant structures whilst the eastern portion is unused land covered with vegetation (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Tai Tong Road via a local track with an ingress/egress at the north (**Drawing A-1** and **Plan A-2**). According to the applicant, a two-storey warehouse (13m in height) with a floor area of not more than 3,078 m² is proposed for storage of miscellaneous goods, such as packaged food, apparel, footwear, electronic goods, furniture, etc. No dangerous goods will be stored at the Site and no workshop activities will be carried out thereat. Two parking spaces for private car and one loading/unloading (L/UL) space for medium goods vehicle (MGV) will be provided within the warehouse. The applicant also proposes to fill the entire site

with concrete with a depth of not more than 0.2m for erection of the temporary structure and circulation. Drawings showing the proposed vehicular access, site layout, land filling, drainage and landscape proposals submitted by the applicant are at **Drawings A-1 to A-5** respectively.

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

Site Area	About 1,835 m ²
Extent of Filling of Land	About 1,835 m ² (with a depth of not more than 0.2m)
Total Floor Area (Non-domestic)	Not more than 3,078 m ²
No. of Structure	1 for warehouse, site office, washroom and ancillary facilities
Height of Structure	2 storeys (not more than 13m)
No. of Parking Spaces	2 for private cars (2.5m x 5m)
No. of L/UL Space	1 for MGW (3.5m x 11m)
Operation Hours	7:00 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 the following documents:

- (a) Application Form with Supplementary Statement received (**Appendix I**) on 3.5.2024
- (b) Further Information (FI) received on 31.7.2024* (**Appendix Ia**)
- (c) FI received on 27.9.2024* (**Appendix Ib**)
[accepted and exempted from publication and recounting requirement]

1.5 On 21.6.2024 and 20.9.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

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

- (a) the proposal could support local warehouse and storage industry;
- (b) the Site is located in the vicinity of an “Open Storage” zone on the same OZP, which is surrounded by workshops, warehouses and open storage yards. The proposed use is not incompatible with the surrounding land uses;

- (c) due to the heavy loading of structures and vehicles which would compact and weaken the existing ground, a concrete site formation is proposed to meet the operational requirements;
- (d) the applicant pledges to strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”) and relevant environmental protection/pollution control ordinances;
- (e) no old and valuable trees or protected species were identified in the conducted tree survey; and
- (f) the proposed development will not cause any 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. 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.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

There are two similar applications (No. A/YL-TT/544 and 645) involving one site for temporary warehouse use with/without associated filling of land within the subject “AGR” zone in the past five years which were approved with conditions by the Committee in 2022 and 2024 respectively mainly on the consideration of having policy support from the Secretary for Development (SDEV); not frustrating the long-term planning intention of the “AGR” zone; and not being incompatible with the landscape character of the surrounding areas. However, the planning permission for application No. A/YL-TT/544 was revoked on 20.2.2024 due to non-compliance with time-limited approval conditions. Details of the applications are summarised at **Appendix II** and the location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) formed and occupied by vacant structures in the western portion whilst the eastern portion is unused land covered with vegetation; and
- (b) accessible from Tai Tong Road via a local track.

7.2 The surrounding areas are predominantly rural fringe in character intermixed with vehicle repair workshops, storage yards, temporary structures, unused land and graves. The vehicle repair workshop and storage yards in the vicinity are suspected unauthorized developments 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 do not support 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, the proposed use would generate heavy vehicle traffic and environmental nuisance is expected;
- (b) there was no substantiated environmental complaint concerning the Site received in the past three years;
- (c) he has no adverse comment on the filling of land from environmental perspective; and
- (d) should the application be approved, the applicant should note his advisory comments in **Appendix IV**.

Agriculture

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

- (a) the Site falls within the “AGR” zone and is generally occupied by some structures. 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 Comment Received During the Statutory Publication Period

On 10.5.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received. Two objections were received from an individual and Kadoorie Farm & Botanic Garden Corporation (**Appendices V-1 and V-3**) respectively mainly on the grounds that part of the Site is vegetated and adjacent to a pond/watercourse; the proposed use is not compatible with the surrounding area; the proposed use is not in line with the planning intention of “AGR” and would cause drainage impacts to the surroundings. The remaining public comment from an individual (**Appendix V-2**) expresses views that the Site is a low-lying area and the drainage system should be well constructed to avoid any blockage of channels.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse with ancillary facilities 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 “AGR” zone and DAFC does not support the application from agricultural perspective mainly on consideration that the Site possesses potential for agricultural rehabilitation. However, taking into account the planning assessments below, it is considered that the proposed use on a temporary basis of three years could be tolerated.
- 11.2 The application also involves filling of land for the entire site by concrete with a depth of not more than 0.2m. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. The applicant has submitted a drainage proposal to support the application. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from drainage perspective, and DEP has no adverse comment on the filling of land from environmental perspective. Should the Committee decide to approve the application, an approval condition requiring reinstatement of the Site to an amenity area upon expiry of the planning permission is recommended.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are predominantly rural fringe in character intermixed with vehicle repair

workshops, storage yards, temporary structures, unused land and graves (**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 While DEP does not support the application as the proposed use would generate heavy goods vehicle traffic and environmental nuisance is expected, there was no substantiated environmental complaint concerning the Site received in the past three years. Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application on traffic and fire safety aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments, and the applicant will also be advised to follow the latest “Code of Practice” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 Two similar applications within the same “AGR” zone were approved by the Committee in 2022 and 2024 respectively. Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 There are three public comments objecting to/expressing views on the application 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 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed use could be tolerated for a period of three years.
- 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 22.11.2027. 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 22.5.2025;
- (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 22.8.2025;
- (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 22.5.2025;
- (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 22.8.2025;
- (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 reasons for rejection are suggested for Member's reference:

the proposed use with associated filling of land is 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 received on 3.5.2024
Appendix Ia	FI received on 31.7.2024
Appendix Ib	FI received on 27.9.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-3	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Land Filling Plan
Drawing A-4	Drainage Proposal
Drawing A-5	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**