

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/651

- Applicant** : Mr. CHEUNG Ming Fat represented by Metro Planning & Development Company Limited
- Site** : Lot 2230 RP (Part) in D.D. 118 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : 1,450 m² (about) (including GL of about 215m² or 14.8%)
- 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** : Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials for a period of three years and associated filling of land at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1a**). According to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently paved and occupied by a temporary structure for the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the current application is to facilitate the relocation of the open storage business at Lots 1440 S.A and 1441 R.P in D.D. 119 in Shan Ha Tsuen at Yuen Long which will be resumed by the Government for the implementation of Yuen Long South (YLS) Development. The applicant has undergone a thorough site selection process before identifying the Site as the most suitable site for relocation. The size of the Site (i.e. about 1,450 m²) is comparable to its previous operation (i.e. about 1,050 m²).
- 1.3 The Site is accessible via a local track leading from Tai Shu Ha Road East with the ingress/egress in the north (**Drawing A-1** and **Plan A-2**). According to the applicant, the applied use comprises a one-storey (10 m in height) temporary warehouse with a floor area of not more than 1,300 m² for storage of construction materials. The

applicant also proposes to regularise the filling of land by concrete with a depth of about 0.2m for the entire site. Plans showing the site location, site layout, drainage proposal and land filled area submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

Site Area	About 1,450 m ²
Extent of Filling of Land	1,450 m ² (with a depth of about 0.2m)
Total Floor Area	Not more than 1,300 m ²
No. of Structure	1 for warehouse
Height of Structure	one-storey (Not exceeding 10 m)
No. of Loading/ Unloading (L/UL) Space	1 for medium goods vehicles (11m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 p.m. Mondays to Saturdays (No operation on Sundays and Public Holidays)

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 13.5.2024 **(Appendix I)**
- (b) Further Information (FI) received on 13.6.2024* **(Appendix Ia)**
- (c) FI received on 25.6.2024* **(Appendix Ib)**
- (d) FI received on 30.8.2024* **(Appendix Ic)**
[accepted and exempted from publication and recounting requirements]

1.6 On 5.7.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months 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 with attachments and FIs at **Appendices I to Ic**. They can be summarised as follows:

- (a) the proposed relocation is a direct consequence of the Government's land resumption process for the YLS Development. If the relocation to the Site is successful, the supply of construction materials would be maintained to support the upcoming development projects in Hong Kong;
- (b) the applicant has undergone a thorough site selection process in identifying a suitable relocation site for the affected operation. The Site is considered suitable for

relocation as it is highly accessible and is similar in size (about 1,450m²) compared to the previous operation in Shan Ha Tsuen (i.e. about 1,050m²);

- (c) the Site has been occupied by a warehouse for many years and is hard-paved and not suitable for agricultural use;
- (d) as the application has a small scale, the traffic and drainage impacts are minimal. Sufficient L/UL and manoeuvring spaces will be provided within the Site. It is anticipated that storage activities will be taken place within the enclosed warehouse structure to minimise environmental impact and nuisance to the surrounding areas. The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”) and relevant Professional Persons Environmental Consultative Committee Practice Notes; and
- (e) similar applications for warehouse use within the same “AGR” zone have been approved by the Board (Applications No. A/YL-TT/575 and A/YL-TT/608). Approval of the application would not set on undesirable precedent.

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

4. Background

The storage use on the Site would be subject to planning enforcement action.

5. Previous Applications

- 5.1 Parts of the Site were involved in three previous applications (No. A/YL-TT/97, 104 and 134) for temporary open storage, warehouse and shop uses respectively. Details of the applications are summarised at **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

Approved application

- 5.2 Application No. A/YL-TT/134 for temporary shop use was approved by the Town Planning Appeal Board in 2003. The considerations are not relevant to the current application which involves a different use.

Rejected applications

- 5.3 Applications No. A/YL-TT/97 and 104 for temporary open storage and warehouse respectively were rejected by the Committee of the Board/on review by the Board in 2001. The considerations of application No. A/YL-TT/97 are not relevant to the current application which involves a different main use. Application No. A/YL-TT/104 was rejected by the Board on review in 2001 mainly on the grounds that the applied use was not in line with the planning intention of the “AGR” zone; not compatible with the surrounding rural land uses; no information was submitted to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and setting an undesirable precedent.

6. Similar Applications

There are four similar applications (No. A/YL-TT/575, 608, 648 and 671) for proposed temporary warehouse with or without filling of land within the same “AGR” zone which were approved with conditions by the Committee, each for a period of three years, between 2022 and 2024 mainly on considerations of having obtained the policy support from the Secretary for Development (SDEV) (for applications No. A/YL-TT/575 and 608); 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 the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently paved and occupied by a temporary structure for the applied use without valid planning permission; and
- (b) accessible via a local track from Tai Shu Ha Road East.

7.2 The surrounding areas are predominantly rural in character with scattered residential dwellings intermixed with storage/open storage yards, workshop, a training centre, farmland and unused/vacant land. Except for the training centre to the immediate north approved under application No. A/YL-TT/614, the storage/open storage yards and workshop 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.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/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 bureau supports the application:

Policy Support

- 9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a brownfield operation in Yuen Long, which will be affected by the YLS Development in the Northern Metropolis;
- (b) according to the applicant, a 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 under the current application is the only one considered suitable and practicable after the site search. The applicant also claims that due to operation needs, the size of the application site is larger than its current site to be cleared by the Government; and
- (c) according to the concerned departments, the applied 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 provision of operating space for displaced brownfield operations still needed by the community, the application is supported from the policy perspective.

- 9.3 The following government departments do not support the application:

Environment

- 9.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application as there are residential uses in the vicinity, the applied use would generate heavy vehicle traffic and environmental nuisance is expected;
- (b) there was no environmental complaint concerning the Site received in the past three years; and

- (c) should the application be approved, the applicant should note his advisory comments in **Appendix IV**.

Agriculture

9.3.2 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. There are active agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also 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 applied use is not supported from agricultural perspective; and
- (b) no comment from nature conservation point of view.

10. Public Comment Received During the Statutory Publication Period

On 21.5.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received objecting to the application mainly on the grounds that there are some farms adjacent to the Site and the Site includes GL.

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of construction materials for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The applied 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, according to the applicant, the application is to facilitate the relocation of the existing business operation affected by the YLS development. The size of the Site (i.e. about 1,450 m²) is comparable to its previous operation (i.e. about 1,050 m²) in Shan Ha Tsuen. With the policy objective to facilitate smooth clearance for the YLS Development and providing operation space for displaced brownfield operations still needed by the community, SDEV supports the application from the policy perspective. In view of the above and taking into account the planning assessments below, approval of the application on a temporary basis for a period of three years may warrant sympathetic consideration and could be tolerated.

11.2 The applicant also proposes to regularise the filling of land with concrete for the entire Site. 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 has no objection to the application from drainage perspective

and DEP has no adverse comment on the filling of land from environment perspective.

- 11.3 The applied use is generally not incompatible with the surrounding areas which are predominantly rural in character with scattered residential dwellings intermixed with storage/open storage yards, workshop, a training centre, farmland and unused land (**Plan A-2**). Besides, there is no vegetation within the Site. The Chief Town Planner/Urban Design & Landscape of Planning Department has no comment on the application from landscape planning point of view.
- 11.4 While DEP does not support the application as the applied use would generate heavy goods vehicle traffic and environmental nuisance, there was no environmental complaint concerning the Site received in the past three years. Others relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to or no adverse comment on the application from 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 Although the Site is involved in a previous application rejected by the Board on review in 2001, taking into consideration the latest planning circumstances of the application including the policy support from SDEV, the justifications provided by the applicant in paragraph 2 and the approval of four similar applications within the same “AGR” zone between 2022 and 2024, approval of this application is not in conflict with the previous decisions of the Committee.
- 11.6 There is one public comment objecting to 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 comment mentioned in paragraph 10 above, the Planning Department considers that the applied use with 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 25.10.2027. 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 25.4.2025;

- (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 25.7.2025;
- (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 25.4.2025;
- (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 25.7.2025;
- (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 Members' reference:

the applied 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 13.5.2024
Appendix Ia	FI received on 13.6.2024
Appendix Ib	FI received on 25.6.2024
Appendix Ic	FI received on 30.8.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Land Filling Plan
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-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**