

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

**APPLICATION NO. A/YL-TT/671**

<b><u>Applicant</u></b>	:	Yau Tin Pot Cuisine Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lot 1439 (Part) in D.D. 118, Tai Tong, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	476 m <sup>2</sup> (about)
<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
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	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) 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 (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 (**Plan A-4**).
- 1.2 According to the applicant, the current application is to facilitate the relocation of the storage of miscellaneous goods, e.g. table, chairs, kitchenry and cutlery, at Lot 5189 (Part) in D.D. 116 in Shap Pat Heung at Yuen Long which will be resumed and vacated by the Government by early 2025 for implementation of the public housing development. The applicant has undergone a thorough site-selection process before identifying the Site as the most suitable site for relocation. Although the size of the Site (i.e. about 476 m<sup>2</sup>) is 58% smaller than its previous operation (i.e. about 1,128 m<sup>2</sup>), the Site is near the original premises and easily accessible which would support the daily operation of the applicant’s pot cuisine (‘poon choi’) business.

1.3 The Site is accessible from Tai Shu Ha Road West via a local track passing through the adjoining site<sup>1</sup> with an ingress/egress point in the west (**Drawing A-1** and **Plan A-2**). The proposal consists of one single-storey (4.5m in height) warehouse cum site office with a total floor area of about 228m<sup>2</sup> for storage of miscellaneous goods (including table, chairs, kitchenry and cutlery) (**Drawing A-2**). The applicant also proposes to fill the entire site with concrete with a depth of about 0.2m for site formation of structure, parking and circulation area (**Drawing A-3**). No storage of dangerous goods would be carried out on the Site. Plans showing the vehicular access, site layout, site level and swept path analysis 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 476 m <sup>2</sup>
Extent of Filling of Land	About 476 m <sup>2</sup> (with a depth of not more than 0.2m)
Total Floor Area	About 228 m <sup>2</sup>
No. of Structure (Height)	1 (1 storey, 4.5m) for warehouse, office and toilet
No. of Parking Space	1 for private car (5m x 2.5m)
No. of Loading/Unloading Space	1 for Light Goods Vehicle (7m x 3.5m)
Operation Hours	9:00 a.m. to 7:00 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 7.8.2024 (**Appendices I and Ia**)
- (b) Further Information (FI) received on 27.9.2024\* (**Appendix Ib**)

*\*accepted and 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 with attachments and FI at **Appendices I** to **Ib**. They can be summarised as follows:

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<sup>1</sup> The adjoining site which is subject to an approved application No. A/YL-TT/648 for temporary warehouse (excluding dangerous goods godown with ancillary facilities, is currently vacant. The applicant clarified that consent has been obtained from the concerned landowners for access to the Site via the local track passing through the adjoining site.

- (a) the applicant has spent efforts on identifying suitable alternative sites for relocating the original premises in various districts (including Kam Tin, Lam Tei, Ngau Tam Mei and Ping Shan, etc.). However, those sites were considered not suitable or impracticable due to various shortcomings such as land use incompatibility, environmental concerns and land ownership issues etc.;
- (b) the applicant is a pot cuisine ('poon Choi') provider which has been serving the community for decades in New Territories. The proposed use involves the operation of a warehouse for storage of miscellaneous goods with ancillary facilities to support the daily operation of the applicant's business. The proposed development is solely for warehouse purpose, and no cooking or food processing activities will take place at the Site. The proposed use is the same as the affected business operation in Shap Pat Heung;
- (c) the Site is currently vacant without active agricultural activities. Approval of the application would not frustrate the long term planning intention of the "AGR" zone and would better utilise deserted land in the New Territories; and
- (d) the surrounding areas of the Site are predominantly semi-rural in character comprising unused/vacant land and some temporary structures for various brownfield uses. Therefore, the proposed use is considered not incompatible with surrounding land uses, and potential adverse impacts arisen from the proposed use would be minimised.

### **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 through registered post. Detailed information would be deposited at the meeting for Members' inspection.

### **4. Background**

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

### **5. Previous Application**

There is no previous application concerning the Site.

### **6. Similar Applications**

There are three similar applications (No. A/YL-TT/575, 608 and 648) for temporary warehouse for storage of vehicle parts/metal and timber/construction materials for a period of three years with/without associated filling of land within the same "AGR" zone in the past five years. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2022 and 2024 mainly on the considerations that the temporary use would not jeopardise the long-term planning intention of the "AGR" zone; being not incompatible with the surrounding

uses; having policy supports from the Development Bureau (for applications No. A/YL-TT/575 and 608) and the departmental concerns could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) currently vacant; and
- (b) accessible from Tai Shu Ha Road West via a local track.

7.2 The surrounding areas are rural in character comprising predominantly vacant/unused land, vehicle repair workshop, storage/open storage yards and graves. Some of the uses are covered by valid planning permissions while some 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 Bureau/Departments**

9.1 Apart from the government bureau and 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 bureau and department have comments on the application:

### **Development Aspect**

9.2.1 Comments of the Chief Civil Engineer/Public Works Programme (CCE/PWP), Housing Bureau (HB):

- (a) it is understood that the applicant is a business undertaking (BU) located on Lot 5189 in D.D. 116 which is situated within the resumption and clearance limit of the project titled “Resumption of Land for Development at Shap Pat Heung” designated for the Public Housing Development. He considers that the provision of cleared concerned site in D.D. 116 is necessary for the public housing

development at Shap Pat Heung, and welcomes any means to provide such cleared site.

### **Agriculture**

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

- (a) the Site falls within the “AGR” zone and is vacant. 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 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 point of view.

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

On 16.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals. One individual supports the application for providing job opportunities to the locals while the other individual objects to the application on the ground that the proposed use is not a Column 2 use under the OZP (**Appendix V**).

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

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) 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 the “AGR” zone and DAFC does not support the application from agricultural perspective mainly on consideration that the Site possesses potential for agricultural rehabilitation. Nevertheless, according to the applicant, the application is affected by land resumption for the public housing development near Shap Pat Heung in Yuen Long. Although the size of the Site (i.e. about 476 m<sup>2</sup>) is 58% smaller than its previous operation (i.e. about 1,128 m<sup>2</sup>), the Site is near the original premises and easily accessible which would support the daily operation of the applicant’s business. Given that the applicant is an affected BU as mentioned in paragraph 9.2.1, CCE/PWP of HB considers that the provision of cleared concerned site in D.D. 116 is necessary for the public housing development and welcomes any means to provide such cleared site. Taking into account the planning assessments below, it is considered that the proposed use on a temporary basis of three years may warrant sympathetic consideration and could be tolerated.
- 11.2 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. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. The

applicant would be required to reinstate the Site to an amenity area upon expiry of the planning permission if the application is approved.

- 11.3 The proposed use is considered not incompatible with the surrounding areas comprising predominantly vacant/unused land, vehicle repair workshop, storage/open storage yards 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 Other relevant government departments, including the Commissioner for Transport and Director of Fire Services have no objection to/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. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 Three similar applications were approved by the Committee between 2022 and 2024. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.6 Two public comments 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 mentioned in paragraph 10 above, the Planning Department considers that the proposed use for a period of three years and the 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 4.10.2027. 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 4.4.2025;
- (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 4.7.2025;
- (c) in relation to (b) above, the implemented drainage facilities 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 4.4.2025;
- (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 4.7.2025;
- (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 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**

<b>Appendices I and Ia</b>	Application Form with attachments received on 7.8.2024
<b>Appendix Ib</b>	FI received on 27.9.2024

<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Site Level
<b>Drawing A-4</b>	Swept Path Analysis
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**